

TESTIMONY

TAKEN BY

THE JOINT SELECT COMMITTEE

TO INQUIRE INTO

THE CONDITION OF AFFAIRS

IN

THE LATE INSURRECTIONARY STATES.

A L A B A M A .

VOLUME II.

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THE KU-KLUX CONSPIRACY.

This report consists of thirteen volumes.

Volume I contains the report of the committee and the views of the minority.

Volume II contains the testimony taken by the committee in relation to North Carolina, and the report of the trials in the United States circuit court held at Raleigh, North Carolina.

Volumes III, IV, and V contain testimony taken by the committee in relation to South Carolina, and the report of the trials in the United States circuit court held at Columbia, South Carolina. Index to the three volumes is contained in volume III.

Volumes VI and VII contain testimony taken by the committee in relation to Georgia. Index is contained in volume VI.

Volumes VIII, IX, and X contain testimony taken by the committee in relation to Alabama. Index is contained in volume VIII.

Volumes XI and XII contain testimony taken by the committee in relation to Mississippi. Index is contained in volume XI.

Volume XIII contains miscellaneous testimony taken by the committee, testimony in relation to Florida, and miscellaneous documents.

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ALABAMA—Continued.

HUNTSVILLE, ALABAMA, *October 9, 1871.*

WILLIAM MATHEWS (colored) sworn and examined.

By the CHAIRMAN :

Question. Were you a witness against William Henderson, a colored man, on an examination had before Commissioner Day in this place ?

Answer. Yes, sir.

Question. Did you testify that Henderson was a man of bad character ?

Answer. Yes, sir ; I testified that, but I was bound to do it ; I could not help myself.

Question. What was the reason of that ?

Answer. If I had not sworn that, when I went back—for everything I possessed was there—they said that I might, perhaps, have been treated worse than he was.

Question. Who did you live with at that time ?

Answer. With Mr. Whit Newsome.

Question. How near was that to William Malone ?

Answer. I don't know, sir ; I guess it is about two or three or four miles. I never was over to Mr. Malone's place in my life. I was cooking for Whit Newsome.

Question. What did Whit Newsome have to do with the Henderson affair ?

Answer. Well, sir, Mr. Holseapple was his brother-in-law ; that is the way he was interested about it.

Question. Who told you to swear the way you did ?

Answer. Mr. Newsome told me.

Question. Did he tell you he wanted to protect Holseapple ?

Answer. Yes, sir.

Question. Did you swear to the truth in that examination ?

Answer. No, sir.

Question. You may tell the committee now what kind of a man William Henderson is and was at that time.

Answer. I never has found nothing wrong with William Henderson. He always showed me good partiality, and both to white and colored, as far as I can say. Him and Mr. Malone had a little scrape there together once, and they all got down on him on that account. That is all I could say.

Question. Did he have a good character among the colored people ?

Answer. Yes, sir.

Question. How was he respected among the white people, except Malone ?

Answer. He was respected every way by all every way except Mr. Malone and a few others around there, Mr. —, I can't think of his name, and the two men that were here that served him the act that they did.

Question. You wish to recant all you said in your former examination ?

Answer. Yes, sir.

Question. Was there another colored man who testified against him ?

Answer. Yes, sir.

Question. Did he swear against Henderson for the same reason that you did ?

Answer. Yes, sir ; that is what he told me. I can't say whether it is so for certain or not, but he told me that.

Question. Who was he working for ?

Answer. He was working for William Malone, the other colored man was.

Question. Did he say he swore as he did on account of fear of Malone ?

Answer. No, sir ; he was paid for it.

Question. Paid for swearing as he did ?

Answer. He told me he would get \$50 when he got home.

Question. What was his name ?

Answer. His name was Jim Carter.

By Mr. BUCKLEY :

Question. Since this trial have you been living with Mr. Newsome ?

Answer. Yes, sir.

Question. Do you live there now ?

Answer. No, sir.

Question. When did you leave there ?

Answer. I left there four weeks to-day.

Question. Where do you live now ?

Answer. I stay out here with Alfred Cleary.

Question. Near Huntsville ?

Answer. Yes, sir ; right across here. I had to leave there ; I could not stay there.

By the CHAIRMAN :

Question. Why did you have to leave ?

Answer. I was engaged to get married to a woman, and she come over there to Mr. Newsome's, and I went off with her that night to her house, and the next morning he 'lowed that I didn't attend to my business ; that I was running all over the whole country, and he expected to handle me for it, and he took my clothes from me and gave them to another colored man ; so I come away. He took all my clothing and my wages. I never got none of my wages at all from him.

Question. How much is due from Mr. Newsome to you ?

Answer. Ten dollars is due.

Question. Does he refuse to pay you ?

Answer. Yes, sir.

By Mr. BECK :

Question. Jim Carter, did you say, was this man ?

Answer. Yes, sir.

Question. Where did Jim Carter tell you he was to be paid for swearing the way he did ?

Answer. He told me that down at the depot, sir.

Question. When ?

Answer. Me and him was sitting together that same night that the trial came on here, like as if it was to-day, and it was that night. He was at the depot to see ; we was all taking the train for home ; he could not get home until Sunday morning. Me and him was in chat together, and he told me that himself.

Question. Is he a colored man of pretty good character ?

Answer. Yes, sir ; as far as I know. I never was in his company but once in my life, and that was when he came here.

Question. How long had you known William Henderson ?

Answer. I have known William Henderson ever since the 14th of March.

Question. Last March ?

Answer. Yes, sir.

Question. Where was he working when you knew him ?

Answer. At Mr. Goodloe's.

Question. Had you never known him before that ?

Answer. No, sir.

Question. What white men have you ever heard give him a good character since then ?

Answer. I have never heard any white men but Mr. Goodloe speak well of him. I never heard none say anything about him more than them he was in attack with.

Question. You have told the committee, have you not, that he had a good character from both white and black?

Answer. Yes, sir; so far as I can say.

Question. What white man have you ever heard give him a good character?

Answer. I have heard Mr. Thorn, down at Cherokee, say Henderson was a pretty clever fellow, and always paid his debts. No difference what he owed, he always tried to pay.

Question. Is that the only white man you have ever heard talk of him?

Answer. That is the only one I have heard speak of him so far.

Question. That is the only knowledge you have of what white men say of his character?

Answer. Yes, sir.

Question. Where is he living now?

Answer. William Henderson?

Question. Yes, sir.

Answer. He is here in Huntsville.

Question. When did you tell him you wanted to come here and admit that you had sworn falsely at the examination?

Answer. I told him so on Friday, last Friday.

Question. Did you hunt him up or did he hunt you?

Answer. He didn't hunt me and I didn't hunt him. I was draying, and in passing I saw him, and spoke to him and he spoke to me.

Question. Who brought on the conversation?

Answer. I did.

Question. What did you say to him?

Answer. I called him and told him a man had told me that he had been inquiring whether I was in the town, and he told me that he didn't inquire for any one, and I told him he needn't think any way, hard of me for swearing against him in this court, for he knew how it was below as well as I did, and I was willing to come here and testify that I was wrong and could not help myself.

Question. What did Whit Newsome tell you to say about your testimony?

Answer. He told me to come here and swear that Henderson had no principle nor character amongst neither white nor color.

Question. What else did he tell you?

Answer. There is a great many other little things he told me that he wanted me to say, but I can't recollect.

Question. Did he threaten you?

Answer. He told me I had better do as he said, for if I didn't I couldn't stay there, for probably I might be treated in the same expects that he was or worse, but by who he couldn't say to me.

Question. Was that before the trial came on?

Answer. Yes, sir.

Question. How long before?

Answer. It was four days before the trial.

Question. You did come to swear to a lie?

Answer. Yes, sir; I did come to swear to a lie.

Question. Was whatever else you stated on that trial true, except what you said as to the character of that man?

Answer. I can't say nothing about anything; but what I swore myself I can speak of that.

Question. I ask if whatever else you said on that trial was true, except as to what you stated as to Henderson's character?

Answer. No, sir; what I said on that trial there was nothing of it true; nothing at all except one thing. I spoke about me and him having a little cross words on the road, which we met by ourselves together, and after these white men had to come here and be tried; they call that in too.

Question. So that your whole testimony, from beginning to end on that trial, was a lie?

Answer. Yes, sir; the whole testimony was not true at all.

Question. Did Whit Newsome ask you to swear to anything else except the bad character of this man?

Answer. He asked me would I swear where Mr. Holseapple was the night Henderson was carried to the river. I told him I could not swear, because I didn't know where Mr. Holseapple was, because I had been to the mill that day. His mill was broken open that night that Henderson was taken to the river, and some flour was taken out, and he wanted me to swear that Mr. Holseapple was at his mill. I told him I didn't know where Mr. Holseapple was that night. Then he came back to me in the kitchen, where I was by myself, and he sat down in a chair, and said, "I tell you, William, you have

got to do as I tell you, or probably you may be done worse than Henderson was, or treated in the same expects, or worse expects."

Question. Is there anything else connected with your testimony, about which he made any statement, except that, that you recollect?

Answer. No, sir; not that I recollect.

Question. I want you to think, as well as you can, whether Newsome went any further than to get you to swear to Henderson's bad character, and trying to get you to swear where Holseapple was. Do you think that was all?

Answer. Yes, sir; I think that was all.

Question. That being the case, I want to ask you this question: You swore on that examination, as I see by the testimony here, that William Henderson had a conversation on the road with you, and said that if he could get a party of men like himself, and kill out all the G—d d—n white men and yellow niggers, the State would be better than it is. Albert Goodloe was there.

Answer. Yes, sir; I did state that.

Question. Did Mr. Newsome or anybody else tell you to say that?

Answer. Yes, sir; I was told to say that.

Question. Who told you to say that?

Answer. Mr. Newsome told me.

Question. Why did you not tell me when I asked you as important a thing as that?

Answer. I didn't remember it.

Question. You had forgotten that?

Answer. Yes, sir.

Question. And this conversation William Henderson had with you on the road coming here, you say?

Answer. Coming here?

Question. Was it not on the road coming here?

Answer. No, sir.

Question. Where did you locate that?

Answer. We were working the public road from Barton Station to Cherokee, and me and him got into a dispute. I was working with a parcel of white men; he was working with a crowd of colored. I was sitting down. The whole party, white and colored, that was working together, was sitting down, and Henderson came along and said, "William Mathews, why aint you at work?" I told him, "Go on; that is always the way with a nigger; he is always meddling with what he has no business." That brought us into a little cross-questioning together, but we made that over—made it up together.

Question. What was the cross-questioning?

Answer. He was intending to whip me that day on the road.

Question. Who was?

Answer. Henderson; and he came to me. I was on a horse riding in the road, carrying the overseer's horse up the road to him, and Henderson stepped up to me and said, "William Mathews, what did you say about me on the road?" I told him I didn't say nothing more about him than any one else. He says, "I am out here on purpose to make you whip me or I whip you." I told him, "If you can't take a joke, you oughtn't to be in a party at all." That about all the yellow niggers and white people, Mr. Newsome told me to say that himself.

Question. How did Newsome know of this quarrel between you and Henderson?

Answer. I and him was in the kitchen together that night, and Mr. Nelson told him that Henderson wanted to whip me on the road, and he wouldn't let him do it, and wouldn't let us fight. There is where he got hold of it.

Question. What did he say that night in the kitchen about that?

Answer. He told me that night that I must mind; that I had to come back the road next day, and I must raise no fusses on the road at all; that I was a stranger in the country, and had nobody to protect me in the country but them, and I had better be careful.

Question. How did you come to swear to that statement on the trial?

Answer. Because I was told to do it.

Question. Who told you, and when were you told?

Answer. Mr. Newsome told me, but I can't say what day of the month it was that I was told; but he told me to do it.

Question. Tell us what he told you to say.

Answer. He told me to come up here and swear against Henderson's character and principle, he did, and he told me to swear where Mr. Holseapple was the night his mill got broken open. I told him I couldn't swear about the mill, because I didn't know where Mr. Holseapple was that night. He got up then and went into the house, and came back, and told me, "William, you had better do as I say, for probably you may be treated with the same expects or worse than Henderson was, and if you don't go and swear something for these men you can leave here; and if you gets away, you may probably never be any account to yourself."

Question. Do you again repeat that last statement which you have just made as the substance of what Mr. Newsome told you?

Answer. Yes, sir.

Question. I ask you again, if that is the substance of what he told you, how came you to swear that Henderson said to you, on the road, that if he could get a party like himself, and kill all the G—d d—n white men and yellow niggers in the State, it would be better off? If Newsome did not tell you to do it, why did you swear it?

Answer. He did tell me to do it.

Question. Have you not repeated to me twice what he told you to do, and left that out?

Answer. He told me to swear that.

Question. When and where did he tell you to swear that?

Answer. Right in his own kitchen.

Question. Why have you failed to state that he told you to swear that, though I have twice called your attention to it?

Answer. I told you that twice.

Question. You have already stated that Mr. Newsome told you to swear that?

Answer. Yes, sir; he told me to swear everything that I did swear.

Question. You say Albert Goodloe was there; who was he?

Answer. He lives on Mr. Goodloe's place.

Question. Why did you say he was there?

Answer. I was told to say so.

Question. Was Albert Goodloe there?

Answer. He was working in the party of men, but I do not know whether Albert heard that expression made or not.

Question. Was that expression made?

Answer. If it was I didn't hear it.

Question. Who told you to say Albert Goodloe was there?

Answer. Mr. Newsome told me to say so.

Question. At the same time that he told you to swear as to Henderson's bad character?

Answer. Yes, sir.

Question. And you swore to that falsehood, also, because he told you to?

Answer. Yes, sir.

Question. Is Henderson living in this town also now?

Answer. He is in this town. I don't know whether he is living here or not. I can't say. I have never been to his house. I see him on the street every day.

Question. Who are you living with?

Answer. Alfred Cleary.

Question. A white or a colored man?

Answer. A colored man.

Question. Where did you live before you went to Mr. Newsome?

Answer. I was with John Robinson's circus before I went to Mr. Newsome's.

Question. Traveling around the country with a circus?

Answer. Yes, sir.

Question. What were you doing with the circus?

Answer. Tending to the horses.

Question. A driver or rubber?

Answer. Rubber.

Question. How long had you been with the circus?

Answer. Twelve months.

Question. Where were you when Robinson & Co.'s circus employed you?

Answer. At Augusta, Georgia, Richmond County.

Question. How long had you lived there, and what were you doing there?

Answer. I was born and raised there.

Question. Who was you living with when Robinson's circus picked you up?

Answer. With my old master.

Question. What is his name?

Answer. Thomas S. Oliver.

Question. You had lived with him all your days?

Answer. Yes, sir.

Question. What is his post-office?

Answer. He was a farmer.

Question. Do you recollect the name of the post-office where you got your letters?

Answer. Augusta post-office.

Question. Do you mean in the city of Augusta?

Answer. Yes, sir.

Question. Did Thomas S. Oliver get his letters in the city of Augusta, and was that his post-office?

Answer. Yes, sir.

Question. Why did you quit the circus ?

Answer. They didn't have no further use or employment for me.

Question. Did Mr. Newsome take a suit of clothes away from you that belonged to you ?

Answer. Yes, sir.

Question. Had you paid for them ?

Answer. Yes, sir.

Question. Where did he find these clothes ?

Answer. My pants was in his kitchen, and my shirt at the woman's house that washed for me.

Question. Did he go and take them ?

Answer. Yes, sir.

Question. Did you see him take them ?

Answer. He took them and put them on another man, and I went right to the place. He took them at night, and the next morning he put them on another man, and I went and saw them on the man, and I asked him before Mr. Newsome's face how he came by my clothes. He said Mr. Newsome gave them to him.

Question. And he refused you your wages ?

Answer. Yes, sir.

Question. What is Mr. Newsome's post-office ; where does he get his letters ?

Answer. Cherokee.

Question. In what county ?

Answer. Colbert County.

Question. What is his first name ?

Answer. Whit Newsome.

HUNTSVILLE, ALABAMA, *October 9, 1871.*

DANIEL COLEMAN sworn and examined.

The CHAIRMAN. As this witness was called by the minority, I will ask that the examination be conducted by Mr. Beck.

By Mr. BECK :

Question. State where you reside, and what official position, if any, you hold.

Answer. I reside in Athens, Limestone County. I hold the position now of county solicitor, and have held it about three or four weeks.

Question. How long have you resided there ?

Answer. I was born there, and have resided there all my life, with the exception of one year that I was in Florence, since the war, and one year in Decatur.

Question. We are inquiring, as you know, into the general condition of the country, as to how the laws are obeyed, as to how far life, liberty, and property are rendered insecure by bands of disguised men, and we call you especially, I believe, to inquire into the condition of affairs in Limestone, and more especially as to the outrages committed upon Mr. Weir. Will you tell us what you know upon these subjects, without being specially interrogated ? Perhaps you will do it in a more satisfactory way than by separate questions.

Answer. Well, sir, there have been in the last eighteen months in Limestone County several outrages committed upon individuals. In the case of Mr. Weir—I take it from his own account of it—first in the spring of this year he was maltreated by several parties against whom complaint was brought in the probate court in Limestone County, and they were arrested, and gave bond, and were being prosecuted. Mr. Weir was the main witness, if not, perhaps, the sole witness to the main part of the transaction.

Question. Was that original outrage upon him committed by disguised men or not ?

Answer. It was not by disguised men. The outrage committed by disguised men was about two or three weeks ago.

Question. On him ?

Answer. Yes, sir, a few days after I came into the office of solicitor. He was taken, as he stated, by a band of disguised men, and carried off and maltreated in many particulars. He was held a prisoner by them, for, I suppose, about thirty-six hours, and then turned loose, with the promise from him that he would not appear in court in the prosecution pending against these other parties, who had maltreated him.

Question. What did he say was the cause of this maltreatment of him ?

Answer. He said it was a personal affair between him and a man by the name of William Blair, in regard to some colored employes of Mr. Blair ; that the accusation was brought against him that he had interfered with Blair's laborers, trying to persuade them to leave him. He stated especially to me, on several occasions, that it was nothing political ; that it was entirely personal.

Question. Did the people of the county, under the sheriff or yourself, or some other official, when this abduction was heard of, take any steps to ferret it out?

Answer. Yes, sir.

Question. Tell us all about that.

Answer. The information came to me on Sunday evening at early sundown. I wanted to go at once, but we could not make arrangement to get the horses. It was twelve or thirteen miles in the country. I made out a posse and had them summoned. The sheriff was absent. I got the deputy sheriff to summon a posse, and upon summoning them, I found it would be so late in the night at the time we could get there, that we could not effect anything, so we postponed it until Monday morning, and on Monday morning we went down early with a posse of at least twenty-five men, mounted and well armed with double-barreled shot-guns. We went to Mr. Weir's house, and obtained what information we could in regard to him, and searched in every direction. We staid there during Monday and Monday night in the neighborhood, the community making every possible search they could to find out what they could in regard to the abduction, and, as we feared at that time, murder, but we found out nothing at all. We went down Monday. Tuesday we still remained there brushing the woods. I formed the men into long lines of what used to be called in the Army skirmishers, and breasted the woods in every direction, hoping we might find him. On Wednesday I saw a young man from the neighborhood, Mr. Weir's son-in-law, and as he passed by me I suspected, from his expression, that he had some information. I went to him, and told him if he had any information I wanted him to confide it to me. I asked him first if he had any information concerning Mr. Weir. He said he had not. I said, "Mr. Basham, have you any information concerning Mr. Weir?" I had feared, in regard to Basham, for Basham's father had been connected in the first maltreatment of Mr. Weir, and was deeply connected with it, and this young man was the son-in-law of Mr. Weir. I had been fearing to trust him from the information given me by Mrs. Weir. That was the reason I was so particular about asking him whether he had any information or not. I stated to him, "Mr. Basham, there is no possible chance of ferreting out this thing unless I receive every information which possibly can be obtained." He says, "I have no information concerning Mr. Weir." It was not more than half an hour before the sheriff came to me, and told me that Mr. Weir was either at home or near home, and that he had sent him a message by Mr. Basham to come down privately by himself; that he wanted to see him on particular business. The sheriff stated to me, "I am a bondsman of Mr. Weir." The prosecutors of the parties who first maltreated Mr. Weir had suspected that Mr. Weir would be intimidated from appearing as a witness, and had issued an attachment for him, and requiring him to give bond for his appearance in the probate court.

Question. That is, the men who were prosecuting those who had maltreated him?

Answer. Yes, sir.

Question. It was to secure his attendance?

Answer. Yes, sir; to keep him from leaving from intimidation or promises that might be made. They had required a bond, and the sheriff had gone on his bond. The sheriff stated to me, "I think Mr. Weir wants to see me privately, probably to leave, and he thinks I am his bondsman, and that he will secure me in some way and just let him leave." I immediately stated to the sheriff, "That will not do, if that is the case, and we had better go down at once and seize Mr. Weir, and bring him to town under a guard for protection. If there is any danger of his leaving, and if you have that fear that he will make arrangements with you, or that it is his object to make arrangements with you to leave, I will go down at once with a guard myself." I brought out a guard, the posse summoned by the deputy sheriff, and we went down—the same posse we had before. Mr. Weir, as I understood from the guard, was in the woods near the house secreted at the time, and I had him sent for to ask him all about the transaction that had occurred with him, and further asked him if it was not his object to leave. He said he had intended to leave, but if we showed a willingness to protect him, and there seemed to be a sufficient force of citizens there to protect him, he would submit to my directions. I told him to get ready at once, and we would carry him to town, and his family, so far as they were important witnesses, and we would carry out the prosecution vigorously, and he need have no more fears of the men who had maltreated him. He expressed full confidence in us, going on down with us. Meantime, while he was giving his account of it, which occupied a considerable length of time, he came to where he knew some of the parties. As soon as he stated that, I ordered the sheriff to go and arrest them, and a special picked guard was sent to arrest one of the parties, and men were sent to all the other houses of the parties, but they were absent and gone. We arrested, though, the main man concerned in it, and brought him to town the next morning. We staid there all night. I sent out detachments for other men, but they were not found out, and they never have been found since. Most vigorous efforts have been made to find them, but I am satisfied they have left the country. One of them has sold out all his interest and left the country.

Question. Have you, as well as the other officials and the people of Limestone County, taken every possible means to secure the conviction of these men if they are guilty?

Answer. Yes, sir; the county commissioners' court—I do not know that you understand our system of commissioners' courts.

Question. I do not.

Answer. We have a court—the probate judge of the county—called the probate court, and, as a sort of staff officers of the probate court, we have county commissioners in various portions of the county, who transact the financial business of the county. They have to do with roads and the paying out of funds. That is their main duty. They had, as assistance to the solicitor, employed two of the best lawyers in Athens, General Houston and Mr. Luke Pryor, to prosecute this case.

Question. General Houston, the old representative?

Answer. Yes, sir.

Question. And Prior, a man of eminent ability?

Answer. Yes, sir; they are among the first lawyers in Alabama. General Houston is an ex-congressman of the old Congress. The commissioners' court had employed these distinguished lawyers to prosecute the persecutors of Esquire Weir for the first outrage of lynching in the spring; and these men, in their last assault in disguise on Weir, repeatedly, during the time in which they held him, taunted him with that fact, saying, "Where is your commissioners' court now? What do you think of your commissioners' court?" The people, in a mass meeting which we held in connection with the disturbance in our county, had adopted a resolution indorsing the action of the commissioners' court in employing counsel.

By Mr. BUCKLEY:

Question. Have you a copy of that resolution?

Answer. I have not. I can furnish a copy before I leave. It is published in our papers of last week. You will notice that, in the resolution passed, there are no names called, or any especial cases of outrage mentioned, from the fact that these parties were at large, and it was not deemed prudent to mention their names, as they might be frightened, and we might not then be able to get hold of them. It is mentioned in a general way on that account. [The resolution referred to will be found at the end of the testimony of this witness.] I have also, by recommendation of the county meeting, applied, but have not yet had time to receive an answer, to the governor for a reward for each one of these men—the highest reward for each one of the parties connected with the man Moore whom we have arrested. We also took every precaution for the safe-keeping of Mr. Moore, thinking, that if he had any parties who could render him assistance, that they might interfere with our jail, and we had him transferred to the Huntsville jail.

By Mr. BECK:

Question. He is here now, in this city, in jail?

Answer. Yes, sir; he is here now awaiting a prosecution in the case.

Question. What is the public sentiment of the men of the county of Limestone in regard to these outrages committed by disguised men—the white people?

Answer. Well, sir, there is a great feeling of indignation upon the part of the masses of the county.

Question. When you speak of masses, do you speak of the people regardless of their political opinions?

Answer. Yes, sir.

Question. What is the politics in your county of the white men; republican or democratic?

Answer. It is democratic.

Question. Do republicans and democrats alike unite in denouncing these things and taking all active measures to put them down?

Answer. Yes, sir; I was seconded in my motions—the second move I made in behalf of Mr. Weir—very vigorously by Mr. Lamb, a well-known republican there. His sentiments are not concealed at all.

Question. You are, yourself, a democrat?

Answer. Yes, sir.

Question. The sheriff is a republican?

Answer. Yes, sir.

Question. He and you acted in concert?

Answer. Yes, sir; in concert.

Question. Do your people generally, both democrats and republicans, act in concert in sustaining the commissioners' court in employing counsel and in the condemnation of lawlessness?

Answer. Yes, sir; we have acted in thorough concert.

Question. What is this organization now in your county? Is it Ku-Klux, or what is it?

Answer. Well, sir, I think it consists of disguised men who are somewhat organized, who have banded together for the purpose of horse-thieving, stealing, and thieving generally, and, whenever they have any private or malicious purpose to carry out, for assisting one another in that; that they are men who do not labor, and are disposed to make their living by preying upon the country. I think the main man, Mr. Gibson, has been engaged in a clan of that kind for some time, and I think they have taken the disguise of what was once called the old Ku-Klux organization, to palm themselves off as Ku-Klux, and do their devilment in disguise, so that they may not be known.

Question. Do you think that they have any body of men acting with them elsewhere through the State, or adjoining county, or are they local?

Answer. So far as the horse-thieving is concerned, I have some information since I have come into the solicitor's office, that they are aided by what might be called a line of men reaching into Kentucky, a sort of courier line, for the purpose of running out good horses from the better portions of the country.

Question. You have some good horses there?

Answer. We have. It is for running them off. It extends clear up into Ohio. Since I was in the solicitor's office I have seen a communication recommending one of these men, who is known as a horse-thief—Campbell McIntosh—to some friend in Columbus, Ohio, showing that it runs some distance.

Question. These bands are now disguising themselves as a band of plunderers?

Answer. Yes, sir.

Question. Do you think that in the county of Limestone your State courts, with the energy you are now displaying, will be able to put them down and break them up?

Answer. Yes, sir, I think so. We have a good law and I have found no difficulty in having it executed. This is not the first effort I have made against disguised men.

By Mr. BUCKLEY:

Question. What law do you refer to as an excellent one?

Answer. I refer to the disguise law. I will make an exception in regard to that law which I think is a clog upon it; that is, that portion of it which assimilates it to the law of the old hundred, (as lawyers, some of you will understand me,) in which it makes the county responsible for outrages committed where parties are not prosecuted; and I think it takes away the motive for vigorous prosecution by the solicitor.

By Mr. BECK:

Question. In other words, the men in the county do not feel as zealous when they have to pay the damage themselves?

Answer. No, sir, it does not stimulate the solicitor. The solicitor is entitled to \$500 if nobody is prosecuted; I think that paralyzes the efforts of the solicitor; in other words, it holds out a reward to him in the event that nobody is found to be prosecuted or dug out and ferreted out. He says, here is a chance to make a fee, and that operates on all humanity alike.

Question. To make a fee off of the county?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. With that exception, you think it is a good law?

Answer. Yes, sir, if that portion were abolished, it would be good.

By Mr. BECK:

Question. The way it stands now he is interested in not having a prosecution?

Answer. Yes, sir, the solicitor is.

Question. He makes money by having the real offender get away?

Answer. Yes, sir, he does, and by nobody being found out and discovered.

By Mr. BUCKLEY:

Question. Here is the law of December 26, 1868, by the legislature of Alabama. [Submitting Acts of 1868.] Will you specify the section you refer to?

Answer. [Examining.] This is not the law I have reference to. Will you find me the law in reference to lynching, where counties are responsible in civil suits where parties are not prosecuted?

Question. Is this the law approved December 28, 1868?

Answer. Yes, sir, to suppress murder, lynching, and assaults and batteries.

By Mr. BECK:

Question. Will you specify the section?

Answer. Section eight; and I think a great deal depends on the solicitor; this is the provision, (page 452:) That it shall be the duty of the county solicitor to prosecute the suit for the claims in the name of the widow, husband, or any one arraigned, though a minor, for which he shall receive ten per cent. of the amount recovered.

By the CHAIRMAN :

Question. What is the value of a life taken, as fixed in that statute ?

Answer. Five thousand dollars is the penalty, and this is the provision, where there is no prosecution, where the parties are not discovered, that the solicitor is entitled to bring a suit upon the county, and if the widow does not prosecute the man, he is required to bring it in his own name, so that wherever a prosecution is begun by a solicitor there is no chance for a fee out of the county ; in other words, I think it takes away the stimulus that there would be to the solicitor if he had no fee. The present law gives a premium to non-prosecution of the real offenders by making the county responsible in case there is no prosecution.

By Mr. BECK :

Question. It takes away the stimulus to catch the real offender ?

Answer. Yes, sir ; to ferret him out. I will say that our county has had a good reputation, ever since the war, for two or three years, for law and order. In justice to the county I suppose I ought to say, while the former solicitor, my predecessor, was a friend of mine, yet I do not think he had that vigorousness, and that energy, and that firmness of nerve that a prosecuting attorney ought to have, and that was to some extent the cause of the lawlessness in the county ; that offenders thought they would go unprosecuted, and that they could violate the law with impunity where they were not prosecuted with sufficient nerve and vim.

Question. Are there any organizations in that or the adjoining counties, so far as you know, known as Ku-Klux organizations, that have any political bearing ?

Answer. No, sir, not that I know of.

Question. The disguised men are now, you think, confined to a set of lawless men, who are doing this for private plunder ?

Answer. That is my opinion.

Question. And the good men of all parties are zealously endeavoring to put them down ?

Answer. Yes, sir.

Question. And you think they will succeed ?

Answer. I think they will ; I think they have broken up the last remains of it now.

Question. Either by capturing or driving them away ?

Answer. Yes, sir. The first effort I was ever engaged in was some time before I was solicitor, against disguised men. It was a little over a year ago. I heard that disguised men were threatening the lives of good citizens in those same portions of the county where this affair occurred, and I went to work voluntarily. I was not then solicitor, but was a lawyer, and it was in the neighborhood where my farming interests lie. I went to work to find out who they were ; I had them arrested ; they are in jail now, and have been for the last twelve months, awaiting trial.

Question. Your county of Limestone adjoins the Tennessee line ?

Answer. Yes, sir.

Question. That, of course, adds somewhat to the difficulty of capture, by their escaping from your local jurisdiction ?

Answer. Yes, sir. They cross frequently to get into Tennessee, where they think they will not be pursued, but I have had them pursued ; I had one captured in Tennessee by having a reward offered—a man who I am satisfied from letters written from him is one of these disguised men who committed a murder in our county upon one of his own men. He was captured in Tennessee, and brought down about ten days ago to our jail. His name is Birdsong.

Question. As Mr. Weir has not yet arrived, and some accident may prevent him from arriving, we desire you to state Mr. Weir's account of his own maltreatment, and after you have done that, give us your version of the causes that led to it, referring to the first and second maltreatment.

Answer. I will do so.

By Mr. BUCKLEY :

Question. Do you think they are both connected ?

Answer. Yes, sir ; intimately.

By Mr. BECK :

Question. Proceed to state it all.

Answer. Mr. Weir made a statement before the committing magistrate, upon which I have had one of the parties who was charged with the last ill-treatment arrested. I have had a preliminary investigation. He stated before the magistrate that the first maltreatment of him occurred at Dr. Blair's shop, at which he had been in the habit of working as a wood workman, fixing wagons ; that he was at home one morning, I think last March, anyhow some time in the spring ; that he received a note from Mr. Frank Gibson, telling him to come down to the shop. The note was not in the form of a request, but saying, " You come down to the shop ; I want to see you on particular

business." When he got down to the shop, there were Mr. Moore, Mr. Gibson, Mr. Pink Johnson, Mr. James Bradford, Mr. Bud Harlan, and three colored men, one by the name of James Kelley, and I cannot think of the other two. They were at the shop. Upon his arrival there, these parties I have mentioned came up around him, and Mr. Moore, who was the spokesman of the party, wanted to know of him how it was about that matter—about advising one of these colored men to steal some mules and run away with them. That was one of the accusations that they had against him.

By Mr. BUCKLEY:

Question. Stealing mules from whom?

Answer. Stealing them from—I can't remember who, exactly, but I think it was from Moore and Blair. I am not certain about that. That was the accusation, mentioning the place and time, I think upon the Fort Hampton road; that the negro was to take the mules out of the wagon and run off with them. They brought an accusation against him that he had tried to influence Jim Kelley and the other colored men to take some mules and run off with them; that he had tried to influence James Kelley, the colored employé of Moore and Blair, to leave their service. Moore and Blair, it seems, kept a distillery, and this man was employed about the distillery in some shape or form, I do not remember what; but the accusation was that he had tried to influence Jim Kelley, a colored man, to leave the service of Moore and Blair, or perhaps of Blair, for it was in connection with Blair that he mentioned it, (for I know that Moore and Blair kept a distillery;) this was a man in the service of Blair.—that he said, "I have worked for Blair, and I know he does not pay, for he has not paid me."

By the CHAIRMAN:

Question. Who said that?

Answer. Weir, they said, made that statement.

By Mr. BECK:

Question. They accused him of saying to the negro that he ought to leave Blair's employment as Blair would not pay him, because he, Weir, had worked for Blair, and Blair had not paid him, Weir?

Answer. Yes, sir.

Question. That was the accusation?

Answer. Yes, sir. I have forgotten all the different accusations they brought against him. After they got through, they asked him what he had to say about it; if the accusations were true. He said that part of the accusation was true and part false, and Moore stated to him, "You must confess all of it, or deny all of it." He refused to do any other way than to make a partial statement—or that which he claimed to be true, and that which he claimed to be false. He said that meanwhile they were drinking a good deal; they had some brandy there from the still-house, and some of them were getting pretty well intoxicated, and a gentleman who was there present and did not seem to be engaged with these other parties present, came to him, and told him to get away; that there was his horse out there; to take him. Weir did not have any horse. He told him to take his horse and get away; that these men were drinking, and he would get into trouble. Weir answered, "No; they have brought false accusations against me, and I intend to fight it out right here." He says that shortly after that they got around him, and told him to come with them down into the woods; both the colored men and the white men; that two of them had hickory withes in their hands; Blair was one, and I think Gibson was another, but I am not certain. Blair had a hickory withe in his hand about four feet long and about an inch around, I think, at the butt or end of the whip or withe; that they led him down into the woods south of the shop about two hundred yards, and one of them told him to take off his coat, and some of the others objected to it. Somebody said not to take his coat off, and Moore said, "Yes, take his coat off; his coat has done no harm. His wife made that coat." He said they took his coat off, and they told the colored men to whip him; that one of the colored men, I think Kelley, expressed some little opposition to whipping him; and some of them told him to go ahead, and they then hit him several licks.

By the CHAIRMAN:

Question. The colored men did?

Answer. Yes, sir, with the withes. That when one of the colored men began to whip, his objections to whipping seemed to have vanished, and he hit him several licks with his withe, but did not whip him as hard as some of the white men did afterwards.

By Mr. BUCKLEY:

Question. Was it represented that the others whipped him?

Answer. Yes, sir; that several of them took up the withes and whipped him.

By the CHAIRMAN:

Question. White men?

Answer. Yes, sir, white men and colored men.

Question. Was this Mr. Weir a white man?

Answer. Yes, sir.

Question. A justice of the peace?

Answer. Yes, sir. He said upon his getting up—they had not whipped him very much at first—that they then took him up and put his clothes on him, and Gibson remarked, "He looks like he was mad. I think you had better give him some more," and that he and Blair then hit him several licks that he could see. They sort of jerked his coat over his head without taking it off, and Gibson and Blair hit him several licks—pretty severe licks. I do not think he said they broke the skin, but I do not remember about that. He said after they let him up they asked him if he was willing to confess what he had done. He said he was, and he went on. That was all of that transaction with him.

Question. Did he proceed to make a confession or statement?

Answer. Yes, sir; he confessed to them before they went away.

Question. What did he confess?

Answer. He said he would confess all of their statements—all their accusations under these circumstances.

By Mr. BECK:

Question. All of the accusations you have stated before?

Answer. Yes, sir. He seemed to have got a little afraid about making the complaint afterward. I do not know who made it, but I think it was made by some citizens. It was taken cognizance of by the commissioner's court and brought before the probate court, and these parties were immediately arrested as soon as the complaint was made. They gave bond to appear at the next court, and they have been prosecuted ever since. The case has never been tried yet. It has been before two terms of the probate court and not tried.

By the CHAIRMAN:

Question. Was Weir able to identify all the parties, white and black?

Answer. Yes, sir; it was in the day-time. They were not disguised, and he knew them all.

Question. On the preliminary examination did they pretend to deny his statement outright?

Answer. Well, sir, I do not know about their denial of it. They had counsel, and were defended. I do not know about it. I never heard whether they denied or confessed it. You mean on the preliminary examination?

Question. Yes, sir.

Answer. A preliminary examination has never taken place on that outrage. There has been a preliminary examination upon the last outrage, as to one of the parties whom I charged myself. Mr. Weir never charged him, but I had taken it, and I had the suspicion that a party living in this county, by the name of Smith, was connected with it, and I had him charged myself. That was the preliminary examination that has taken place.

Question. What I wished to inquire of you was how they could be bound over to court to answer this charge without a preliminary examination?

Answer. Well, before our probate court they waived a preliminary examination, and just gave bond to appear before the probate court. That was upon the first maltreatment.

By Mr. BUCKLEY:

Question. Do you recollect the amount of bond required?

Answer. Yes, sir, I think it was \$600. I remember \$600 was the bond of Blair. Our probate court has jurisdiction over cases of that kind, except where appeals are taken to a jury. If they demand a jury the probate court binds over to the circuit court, but the probate court has now jurisdiction of the case. The State has been ready, I believe, every time, but owing to the absence of witnesses the probate judge continued the case.

By the CHAIRMAN:

Question. Have continuances been granted upon an application of the defendants or some of them?

Answer. Yes, sir, I think so.

Question. So the original outrage has never been brought to trial yet?

Answer. It has not. The last time, I believe, the State continued it from the fact that we had Mr. Moore here in jail, and it was inconvenient. We did not want to separate. That was the idea. The State concluded not to separate them, for fear they might swear for each other, as accomplices, and we could not get him down there in time from this jail, and we concluded to continue it. The first time, I think, it was continued by the defendant, the last time by the State.

Question. Do I understand you to say this original outrage occurred in March last?

Answer. I will not attempt to be accurate about the time, but I think it was in the spring, probably in March.

By Mr. BECK:

Question. Go on and complete your statement of the other outrage, and what brought that about. State what he said upon that subject. Give his statement first and then your own.

Answer. Now I cannot state to you what transpired, of my own knowledge, of course. He says he was at home on Sunday morning.

By the CHAIRMAN:

Question. Sunday morning, how long since?

Answer. About the 10th of September last. That he had just gotten into his house, coming from across Elk River at Mr. Lentz's. He said he had been there about half an hour; that he had his coat and hat off; he was quite warm in walking; he was sitting in the house in a careless kind of way; that his wife exclaimed, "La, Mr. Weir," in a surprised, excited manner, "there are some disguised men in the yard." He looked around and saw they were close to his house—five of them; that they came up, and two of them drew their pistols, and presented them toward him, and they took hold one at each arm, and hurried him off in the direction of the woods; that they took him about a quarter of a mile, I think, and mounted him upon a horse, and blindfolded him with the cap, as he thought, of one of the disguised men, or the hood of the horse, I have forgotten which, but it was one of the two; they blindfolded him, and circled about in the woods a good deal. Finally after carrying him, as he thought, about a mile, some of them said something about hanging him, and they put a rope around his neck and hung him up for a little while, until he became almost unconscious. They then restored him to his horse, and started in a direction he did not know through the woods, occasionally coming to open places, as he could tell by the light.

By Mr. BUCKLEY:

Question. Did you ever hear that the rope broke at that time when they hung him?

Answer. I think that was the second time they hung him. They then carried him, as he said, through the woods, and after they got, as he thought, about two miles, they dismounted again and carried him up near a tree. He said he could see the base of the tree. They put a rope around his neck and showed him the lower end of the rope, which was down at his feet, and they hung him up again there a little. All this time, he said, they were talking to him about his appearing as a witness at court.

By the CHAIRMAN:

Question. About his appearing as a witness against them?

Answer. And about his leaving the county so as not to be here at court. He says that at the second hanging he was lifted off the ground, and became unconscious for a little while, and the first thing he knew was a man putting his hand under his back, as he was lying on the ground, and raising him to his feet. I think this was the time that this man whispered to him, "They will not kill you." All this time they would frequently ask him if he was willing to leave the country, and my recollection is he would state he was in the hands of the law. After this second hanging, in which, he says, he became unconscious, they seemed to have some consultation together, and they seemed, from what they said, to have a division of sentiment as to what they would do with him. One of them said, "If you won't do what I want you to do, I will have nothing more to do with it." Meanwhile he had recognized the voices of Mr. Moore, Frank Gibson, and Pink Johnson.

By Mr. BUCKLEY:

Question. Was this the same Johnson you have mentioned before?

Answer. Yes, sir; the same Johnson.

By the CHAIRMAN:

Question. The same men who were concerned in the original outrage?

Answer. Yes, sir. These were the same, but not the whole of them. They raised him to his feet a second time. I repeat, that I may connect it. There seemed to be a division in counsels. Finally, they came and raised him up again, but not off his feet at that time. He said they just simply tightened the rope on his neck.

By Mr. BUCKLEY:

Question. That was after the reply that he was in the hands of the law?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Had he been bound over by the magistrate that had bailed these men, to appear as a witness at court?

Answer. Yes, sir; an attachment had been issued by the probate judge, not magistrate, for him, and he was required to give bond to the probate judge sitting in term time.

Question. Was the sheriff on that bond as surety?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. I understand you to say they bailed him, for fear he might, under the influence of threats and intimidation, leave the country?

Answer. Yes, sir. After the second hanging they put him on horseback again, and carried him in the direction which afterward turned out to be that of the Tennessee River. When he got near there they raised up the hood partially from his face, so that he could see the open river in front of him. They asked him where he was. He said that was the Tennessee River. They then dismounted near the bank of the river and took the hood off of his face, and tied a band around his eyes, and two of them led him out in the river. After they had carried him out some sixty or seventy-five yards, probably, from the bank, they ducked him several times, and in this ducking process the bandage came from his eyes, and he could see upon the bank, and he there discovered Mr. Moore and Frank Gibson, and that the two men who had hold of him were George Peace—there a new name comes in—and Pink Johnson.

Question. Were they undisguised?

Answer. Yes, sir, they were stripped; that is, the two in the river were stripped; but of the two on the bank Moore had his mask off of his face, but had his disguise upon his person.

By the CHAIRMAN:

Question. Who beside Moore was on the bank?

Answer. Gibson. After talking for some time, they carried him back to the bank, and Moore came up and told him that he must leave the country, and asked him if he would agree to leave it, and what he would do in regard to leaving it. After a while, he was talking to Moore, and Gibson came up and carried him out into the river a second time, in connection with Johnson, I think, and ducked him again. This last ducking was pretty severe, and he become right smartly exhausted in it. The first, he said, did not strangle him any, but the last, he said, exhausted his breath considerably. They then went back to the bank, and Moore took him again, and said, "When we started out we intended to kill you, Squire Weir, but we have determined not to do it. We will save your life, but it must be on conditions that you and your family will not appear against us at court." He told him he would do so; he would make that promise. They then brought his clothes and put them on him, and started in a direction which was rather easterly, I think. It was then, I think, getting about dark—quite dark—when they left that point. They carried him to a house which he afterward discovered was Gibson's house; carried him up stairs and put him in a room and sent him some supper. Moore got a chain and put it around his leg and chained him to the bed-post, and left him there and went down. He said the chain held him so he could not get away, and they went down the steps. He ate his supper and slept during the night, occasionally waking up and looking around to see what he could see, and two of them were in the room, he supposed to guard him. He staid there all night. The next morning he asked for a pencil and paper to write upon the subject of his family leaving, and wrote to his wife, informing her that he was alive, and giving her instructions for her and his daughter to go away out of the country; that it would be important for them to do so if they valued his life. They said they would take it to his family. Meanwhile, he said that Gibson had gone off at night. I will return a little to the narrative. Gibson, who had gone off at night, came back next morning, and seemed very much agitated. He says to Moore, "The people are up about this thing," and he seemed to be very much excited when he told him. Moore said, in a very careless kind of way, "I don't mind them. If I had the Smith boys here I could whip out that squad." Gibson told him it was a more serious thing than he thought; that it was a considerable squad of men that were looking for him, and I think he mentioned my name or the sheriffs. I am not certain about that. He said they seemed to get into a hurry, and took him in an easterly direction. He asked where they were going to take him, and Moore said they were going to take him to Lawrence County, to Smith's; that he would be safe there. He said, "We will not hurt you; we will treat you well, but simply want to hold you until after court." The court was due the following Monday. This was about five days before court. Meanwhile Gibson and Johnson left, leaving none but him and Moore and a fellow who seems to have come to them, and Moore had stated to him one of their men, meaning men of my party, had come to them. We afterward found it was Hiram Higgins.

By Mr. BECK:

Question. He was one of your squad?

Answer. Yes, sir. He says that this man was along with Moore, and did not seem to

do anything, but Moore told them both to follow him; they finally both started with him, Moore winding about through the woods and taking up about three miles from town at a house out in the barrens, where they got dinner. Meanwhile Moore told him he was released, and he could go anywhere that he wanted to.

Question. Was he then still disguised?

Answer. No, sir; he had taken off his disguise and wrapped it up in his overcoat and put it on his horse. He was disguised on the bank of the river; all except his face. He had on a red disguise, a kind of overall or cloak over his person, and some kind of a cloak wrapping over his shoulders.

By Mr. BUCKLEY:

Question. On what day was it Moore told Weir he could go anywhere he was a mind to?

Answer. Tuesday, about 10 o'clock, I think.

By Mr. BECK:

Question. How did young Higgins happen to fall in with him?

Answer. I have investigated Higgins's case. I intended to make him an accomplice, but Higgins, I found, had been drinking all the time he was with me. He had gotten liquor at the distillery. His statement was corroborated by good witnesses that he had gotten drunk, and in staggering about with a man named Yarborough, who was an old companion in the army, they having got drunk together, they had fallen into this place of Gibson's, which had formerly belonged to Yarborough's father. He says that about night he found himself off of his mule and down on his back, and his mule lying close by near the path. As he was looking up his mule, hallooing about, not knowing where he was, he made some little noise and he saw a man coming along the path. He started to get on his mule to go off and this man halted him and told him he must go with him. He recognized his face in the dark to be Moore's, and he saw he was in a pretty tight place, and concluded to say nothing about it and just stay with him until Moore told him he was released. Mr. Weir, in his account, does not say anything about it, except the simple fact that he saw Mr. Higgins, and that he was along with Mr. Moore on Tuesday, but for what purpose he did not know. He did not make complaint against Mr. Higgins, and I did not know about Mr. Higgins being connected with it at all until he, Higgins, told it. He had told it to other parties, and it got out in that way. I came to the conclusion that Mr. Higgins, from all the corroborating circumstances I had got, was truthful in his testimony—that he had gotten drunk and fallen in with him. While I had charged him with being an accomplice and had him arrested, I intended to make a State witness of him, and do yet as far as he knows, and released him with that intention.

Question. You have given us substantially the statement of Weir as you recollect it about the whole thing?

Answer. Yes, sir.

Question. Now if you have any views of your own you can state them.

Answer. I think I have about stated the whole thing. I think the last transaction was a combination to prevent him from pursuing them any further in prosecuting them. After the probate judge and county commissioners had employed counsel and exhibited the intention of prosecuting them vigorously they became alarmed, and Weir being the only witness, they formed a combination to get rid of his testimony. We have already in the jail there now five disguised men whom we have held for prosecution.

By the CHAIRMAN:

Question. Captain Coleman, I will ask you to state the standing in your community of these parties, Moore, Gibson, Johnson, Bradford, and Harlan.

Answer. Well, sir, they stand badly.

Question. What was their standing before they were implicated in the violence to Weir?

Answer. They stood badly before.

Question. Are they men of property?

Answer. Gibson is the only man of property among them.

Question. What was his business?

Answer. Farming.

Question. What was Moore's business?

Answer. Distilling. He had a distillery. I do not know whether he owned it as a partner or just attended to it and received a portion of the profits. I expect he was a partner.

Question. What was Johnson's business?

Answer. I think he was a farmer.

Question. Did he own the land he occupied?

Answer. I do not think he did.

Question. Was he a tenant?

Answer. I think he was. I do not know. I think he lived on Mr. Gilbert's place, formerly occupied by his son—I have forgotten his name—I think Thomas Gilbert.

Question. What was Mr. Bradford's business?

Answer. A farmer—a renter. I think he worked under Gibson.

Question. What was Harlan's occupation?

Answer. I could not say. I do not think it was anything.

By Mr. BECK:

Question. Just there, as to the distillery. What kind of a concern was it—of what magnitude?

Answer. Well, sir, it was a right sharp little country distillery.

By the CHAIRMAN:

Question. Was it a licensed distillery?

Answer. Not licensed by the United States. I am prosecuting them now for violation of that law.

By Mr. BECK:

Question. How much was it making per day?

Answer. I do not know what they would make a day. I know very little about it.

Question. Did they make it from corn?

Answer. I think mostly from apples; some corn I reckon, but mostly apple-brandy.

Question. Would they make a barrel a day?

Answer. Yes, sir, I expect they would.

By Mr. BUCKLEY:

Question. These parties you say have been indicted for illicit distilling?

Answer. Yes, sir; Moore and Blair have.

By the CHAIRMAN:

Question. I was about asking you what Blair's occupation was, but I suppose his occupation has been connected with this distillery?

Answer. I do not know of any other occupation.

Question. Were there any other white men besides those I have enumerated concerned in either of these transactions?

Answer. Moore, Gibson, Johnson, Bradford, and Blair. Did I mention in that last transaction a man named Boyce?

Question. I think not.

Answer. Samuel Boyce was implicated, also George Peace.

Question. Who was Boyce and what was his occupation?

Answer. I could not state. I do not know what it is. He is one of the hangers-on of Moore—a striker.

Question. Were these three colored men, of whom you have spoken, in the employment of any of these white men?

Answer. They were in the employment, I think, of Moore and Blair.

Question. Does the testimony show that they acted under duress, or were they willing participants? I refer now to the first whipping.

Answer. Mr. Weir says they were rather under duress. He says they were unwilling at first, but the man Jim Kelly, through being unwilling at first, afterwards seemed to have gone into it pretty willingly, and to have whipped him pretty vigorously. They have been arrested—one of them has. The other two ran off immediately afterwards.

Question. Have you any reason to doubt the entire correctness of Mr. Weir's statement to you?

Answer. No, sir.

Question. Is he a man in good standing?

Answer. Well, sir, in regard to his veracity, I think he is. He is a dissipated man; a poor man, and a dissipated man. He has been exceedingly dissipated; but so far as his integrity and his truth are concerned I know nothing to his detriment.

Question. How long has he resided in Limestone County?

Answer. He has been residing there since the close of the war. I do not know how much longer. I have known him only since the war.

Question. Where did he come from when he settled in Limestone County?

Answer. I think he came from Lauderdale there, but I think his original home was in East Tennessee.

Question. He was born and raised, then, you understand, in the South?

Answer. Yes, sir.

Question. Then he was not obnoxious to the community generally?

Answer. No, sir; I would not say that he was.

Question. Do you think that any of these outrages are countenanced by any portion of your community?

Answer. No, sir; I never heard a man in the community, even before I became solicitor, when they would have talked to me, I suppose, more freely, countenance them in the least—either of the transactions; in fact Moore was a candidate for sheriff, and I think it broke down what little popularity he had, if any.

Question. You say Moore was a candidate for sheriff?

Answer. Yes, sir; and I know that Moore had been pretty vigorous against disguised men, and I thought at the time he was a good man. About a year ago he helped the sheriff and helped myself put down some disguised men, who were threatening murder, and destruction, and injury to the country. He had co-operated with me, and I thought him a firm, good citizen; but after this transaction I became satisfied that he was not. I had been influential in getting him to run for sheriff, thinking him an honest man and a good citizen. He is a firm man, but demoralized by whisky and a chronic disposition to crime.

Question. What were Weir's politics at that time?

Answer. Weir, I think, has voted the republican ticket all along, but I am not certain.

Question. Was he a soldier in the war?

Answer. No, sir; he was not a soldier.

Question. What were the politics of Moore?

Answer. Well, sir, I do not know that he had any.

Question. When he was a candidate for sheriff, on which ticket did he seek the nomination?

Answer. He did not seek the nomination of either party. He was an independent candidate.

Question. You do not know with which party he votes?

Answer. No, sir.

Question. Or which party claims him?

Answer. I asked him if he would go before the democratic convention for nomination; he said he would not; he was opposed to a convention.

By Mr. BUCKLEY:

Question. About what time was this?

Answer. About two or three months ago. He did not seek the votes of either party. He wanted to be independent, and he thought he was popular with all.

By the CHAIRMAN:

Question. You belong to the democratic party?

Answer. Yes, sir; I am a democrat.

Question. From whose appointment do you derive your office as county solicitor?

Answer. From the appointment of Judge Clark, circuit judge.

By Mr. BECK:

Question. Is he a democrat?

Answer. No, sir; he is a republican. I think both our county and circuit judges are classed with the republican party, although they do not say much about it.

By the CHAIRMAN:

Question. What are Mr. Gibson's politics?

Answer. Well, sir, I could not say. He is one of that loose kind of men who have very little to say about politics. I do not know that he ever took any decided stand one way or the other.

Question. What are the politics of Johnson?

Answer. I could not state.

Question. Of Bradford?

Answer. I could not state. I think they were all low down men, who had very little to do with politics, or thought of politics, one way or the other.

Question. Of Harlan?

Answer. I do not know his politics.

Question. Do you know the politics of Blair?

Answer. I expect Blair is a democrat, but I never heard him say how he voted.

Question. This last man, Boyce, what were his politics?

Answer. I do not know his politics.

Question. You had no previous acquaintance with these men except Moore—Moore, and Gibson, and Blair?

Answer. Bradford also I knew slightly, but just simply as a man living in the county.

Question. You had not been a candidate for office and soliciting votes, and so knowing the views of the people?

Answer. I had been a candidate for superintendent of education, but it was an office upon which parties did not divide, and I knew nothing of their political sentiment. There was no opposition on the republican side; there was no contest about it. It was

not regarded as a political office. I had never been a candidate. I never received any suffrages for solicitor, the only office I hold.

Question. Did the testimony show that the politics of Weir had any connection whatever with either of these outrages; was it mentioned as a circumstance in the case?

Answer. No, sir; not at all. Mr. Weir emphatically so stated to me. I asked him particularly as soon as I came into the office of solicitor. I had an interview with him two or three days afterward. I wanted to know if anything of the kind was going on in the county from political influence. He told me explicitly that politics had nothing to do with it, and he thought it all originated from a personal affair between him and William S. Blair.

By Mr. BUCKLEY:

Question. Judge Minnis, who was a witness before the committee, and has spoken in praise of the action of the citizens of Limestone County in connection with this case, when asked if he thought politics had anything to do with the whipping of Weir, replied that he thought politics had nothing to do with it further than to this extent, that the men who committed the outrage felt that they might take advantage of the prejudice existing in that county against republicans to commit the outrage upon Weir when they would not have felt at liberty to do it if Weir had been deemed a democrat in good standing.

Answer. It may be that these men, not being intelligent men, and not being well informed, may have miscounted the sentiment—may have misinterpreted and misconstrued the sentiment of the county. The sentiment of the county, as exhibited since, certainly shows that they did. They may have thought that there was such a prejudice, and they could commit such an offense with impunity, and not be prosecuted. But the result shows they were most woefully mistaken.

Question. Mr. Weir was a justice of the peace during the war?

Answer. No, sir, since the war. He was made so under the State election.

Question. Was he not made a justice of the peace immediately after the close of the war by Governor Parsons?

Answer. No; I think about the time the officers we have now went in.

Question. I think Judge Minnis stated that he thought Weir was made a justice of the peace by Governor Smith, who succeeded Governor Patton?

Answer. It may have been under Governor Smith. He was made a justice of the peace, but he was not certainly under Governor Parsons, and not under Governor Patton. I think he had become a justice of the peace under Governor Smith's administration.

By the CHAIRMAN:

Question. You have stated in your examination that, within eighteen months past, several outrages have been committed upon individuals. Were they generally committed by men in disguise, banded together?

Answer. Some of them were. One murder was committed by Birdsong; that was not in disguise. One assault and arrest of a party was committed by eight disguised men about twelve or sixteen months ago. That is the first prosecution I mentioned.

Question. Can you tell how long ago it was?

Answer. I can be accurate. It was last September, a year ago.

Question. Go on with your statement or catalogue of offenses committed within that period?

Answer. There was one man killed about two months ago, in the northwestern portion of our county, and in a few days after that his slayer was killed. The first killing was a personal difficulty, at which I was present myself, and saw him shot.

By Mr. BECK:

Question. Were they disguised?

Answer. No, sir. The last man who was killed was said to have been killed by disguised men.

By the CHAIRMAN:

Question. You mean the slayer?

Answer. Yes, sir; Burrus was his name.

Question. Whom had he killed?

Answer. He had killed his cousin, named Strange.

Question. That was a private feud, I understand?

Answer. Yes, sir.

Question. How many were concerned in the taking off of Burrus?

Answer. I think that six were said to have been concerned in it. I was not prosecutor then, and I went with the coroner to investigate it, simply for my own satisfaction.

Question. How did the testimony show that these men were disguised?

Answer. It showed that they were disguised in black costume.

Question. Were they mounted, or on foot?

Answer. They were on foot.

Question. Were their faces disguised?

Answer. Yes, sir.

Question. How?

Answer. With some kind of covering upon their faces. It was not known in the excitement that occurred how, but simply a black covering hanging over the faces.

Question. Have they ever been identified?

Answer. No, sir.

Question. What efforts, if any, have been made to ascertain who these men were?

Answer. Well, sir; the efforts that I made the next day, and the efforts that the coroner made in taking testimony. I have already had some witnesses summoned before the grand jury to see what could be learned, but I have never gotten any clew to it. It is the best covered up transaction that I know of at all. Suspicion rested upon the parties who had been involved in the previous difficulty, but that was all they had to go by.

Question. What was Birdsong murdered for?

Answer. Birdsong was not murdered. He murdered a man named McKee. He was the murderer. McKee's body was found the next day, and in his saddle-bags he had a disguise. Birdsong fled. There was also arrested, the same day, a young man named Kight, and he confessed that he, and Birdsong, and McKee, had been together on the previous day, and had made an agreement that they were to steal some horses and some mules at certain places, and mentioning the places, and that they were to go in the night-time and steal some money from an old negro man who was supposed to have some money, and that they were to do this in disguise, and these horses were to be stolen in disguise. I have Kight now in jail charged with horse-stealing.

Question. What was the character of the disguise found upon McKee?

Answer. I never examined that; I do not know what it was. We got McKee's disguise and Birdsong.

Question. Did you ever get Kight's?

Answer. He did not have any disguise, but he said he was to just throw his blanket over him and put some kind of calico covering over his face, which he did not have with him.

Question. You spoke of an assault and battery by eight disguised men, from twelve to sixteen months ago; please state the circumstances.

Answer. About twelve or sixteen months ago there originated a feud in the neighborhood in which my mother's place and my place were, in the county, between two parties—those who were regarded, and whom I have always regarded, as the best citizens down in that neighborhood, and some new-comers, who were renters there. I think the contest and feud sprang up on account of renting of land. There was a contest between the parties as to which should have the land. They had several fights and difficulties about it on various occasions, and finally the development that was made in disguise was, that eight disguised men came to a church in the neighborhood; on their way to the church they arrested this party upon whom I said an assault and battery was committed. We charged an assault because, while they did not draw their pistols, they detained him as a prisoner in the house, while six of them went up and posted a notice on the church stating, "We have been maltreated by certain men in this neighborhood, and we are determined that they shall not overcome us in our objects, and if any mischief is done in the neighborhood we will hold these parties responsible;" mentioning their names, among which was Mr. James Yarborough, a clever citizen, Dick McCormick, and Albert McCormick, and Elona Hamilton; he, the latter, was one of my renters, and I took a great interest in it on his account and on the general account. No injury was inflicted on these men beyond mere detention. That was all.

Question. What was the character of the disguises worn by these eight men, so far as you were informed?

Answer. My recollection is that they were striped calico, most of them; one of them was a red ground with spots in it—red ground with white spots.

Question. This was a disguise which covered the body?

Answer. Yes, sir.

Question. What was the disguise which covered the head and face?

Answer. That was a kind of cap made out of pasteboard with a white face—white domestic, probably—covering the face, with holes for the eyes, nose, and mouth.

Question. Mounted by horns?

Answer. No, sir; I do not think they had any horns.

Question. Were these men mounted?

Answer. Yes, sir.

Question. Were they armed?

Answer. Yes, sir.

Question. Did their disguise and appearance differ from the old-fashioned Ku-Klux disguise?

Answer. Well, sir, I do not know; I never saw the disguises myself; I only heard them described, and I do not know whether they differed at all or not from the old-fashioned disguise. They certainly differed from the only Ku-Klux I ever saw. The disguises of the first Ku-Klux I ever saw were entirely different.

Question. When was that, Captain Coleman?

Answer. Let me see; the war closed in 1865; I think it was in the fall of 1866.

Question. You may state the circumstance.

Answer. Well, sir, it was at a pic-nic—what was called a moon-light pic-nic—in a beech grove near Pulaski.

Question. In Tennessee?

Answer. Yes, sir; where there was a dance. There was a good large circle of fine people gathered together, when these persons in mysterious garb came out of the woods and came upon the ground and danced to the music, and would talk to those who would talk with them, disguising their voices; it seemed to be a thing of amusement; I never heard anything in connection with it as a political organization.

Question. Not at that time?

Answer. At that time, no, sir.

By Mr. BUCKLEY:

Question. What was their disguise?

Answer. Well, sir, they had very tall hats that seemed to be made of some material, I could not tell what it was, but it was covered with spangles, with stars, and it was rather a pretty and showy costume. Their covering seemed to be a kind of talma or cloak thrown over their bodies, and then a tunic running down to their feet nearly.

By the CHAIRMAN:

Question. Was that the first you heard of the Ku-Klux Klan?

Answer. It was about that time I heard of the Ku-Klux Klan; probably I had heard of Ku-Klux a little before that, but that was the first I ever saw of them.

Question. How long subsequently did that organization exist and operate in full vigor?

Answer. Subsequently, I do not know. The next time I saw them was in 1867, I think, but I am not accurate about the time. It was 1867, or 1868, but I think it was 1867, and I saw them no more.

Question. Where was it you saw them in 1867?

Answer. I saw them in Athens.

Question. In Limestone County?

Answer. Yes, sir.

Question. How large a band?

Answer. Well, sir, one band consisted of six; I think the other band consisted of about seventy-five or a hundred.

Question. Were both bands there at the same time?

Answer. No, sir; they were there on different occasions.

Question. You may describe the occasions of their visit to Athens.

Answer. One visit was one night as I came from the cars; I saw them just riding through the town. They stopped on the square and cut up a good many curious gyrations or performances. I remember one of them took my hat off and took it some distance; I thought he had gotten it for good, but he brought it back to me. The other occasion was, I think, on the day of the presidential election when they came in. We had some Federal soldiers just to keep order; they rode up and asked for the mayor of the town. We were apprehending some disturbance at the polls. A great many were in town, and we did not know but there might be some collision. One of the men in disguise asked the mayor (I was present) if he apprehended any disturbance during the day. He said, "No;" he thought everything would be quiet. The lieutenant of the guard also came up, and he turned to the lieutenant and the mayor and said, "If they don't keep good order, Lieutenant, just scratch on the ground and I will be with you."

Question. This last visit was in November, 1868?

Answer. Yes, sir.

Question. As the election occurred?

Answer. Yes, sir; that is when the small body appeared.

By Mr. BUCKLEY:

Question. How many were there in the body that came in on election day?

Answer. Six or eight.

By the CHAIRMAN:

Question. The large body was the year before that?

Answer. Yes, sir. That was the last I saw of any disguised parties; I mean when I saw them in November, 1868.

Question. Did you hear of any disguised bands after that, except such as were organized, as you stated, for plunder?

Answer. No, sir; I heard no further of them; I had heard that they had disbanded before I saw the last party that I saw; that they disbanded some two or three months before I saw them, but I do not know that to be the fact; I simply heard it.

Question. From the time you first became acquainted with the existence of the organization until November, 1868, was two and a half years nearly, was it not?

Answer. Yes, sir.

Question. During that period of time did this organization do any mischief in Limestone County?

Answer. No, sir; none that I know of. I heard no complaint made.

Question. No outrages were perpetrated upon any person to your knowledge or from information that you have derived from others?

Answer. No, sir. During 1867 and 1868 I was away a good deal of the time, but I do not know of any outrages that were laid to the account of the Ku-Klux during that time.

Question. Have you any knowledge of the objects of that organization?

Answer. No, sir; I could not say that I have any knowledge of it myself. I have talked with parties that I thought were in the first organization—that squad that I told you I met at the picnic ground—and I asked them what was the meaning of the word—where it came from; if it was not from a Greek word—there had been some discussion in the papers as to what the word Ku-Klux came from—and they told me; I asked if it was not from the Greek word *Κυκλος*; they said they thought it was.

Question. What is the meaning of that Greek word?

Answer. It means circle—*Κυκλος*. The reason I came to inquire was because when I was a student in college we had a society that we called the *Κυκλος* Society, and the word was so much like Ku-Klux that it led me to investigate the origin of it.

Question. Was that society ever known by any other name than Ku-Klux in Limestone or in the adjoining counties?

Answer. No, sir; I think not. I never have heard of its being known by any other name.

• *Question.* Did you ever hear of an organization known as the Invisible Circle?

Answer. No, sir.

Question. The Knights of the White Camelia?

Answer. No, sir; I never heard of them.

Question. Or the White Brotherhood?

Answer. No, sir.

By Mr. BUCKLEY:

Question. Have you ever heard of the Pale Faces?

Answer. No, sir.

Question. Or the Invisible Empire?

Answer. No, sir; I never heard of any of those names.

By the CHAIRMAN:

Question. Have you heard of an organization known as the Constitutional Union Guards?

Answer. No, sir.

Question. You think the body of men that composed the Ku-Klux organization in your section of the country never assumed any other name, or were known by any other name than Ku-Klux?

Answer. No, sir; they never assumed any other name. I will state, for I might as well be candid, as there is no other way to get at the truth but to state it out, the first I knew of the Ku-Klux organization in Limestone County was that several men approached me on the subject of joining the Ku-Klux. They asked me if I would join them. I asked them what the object of the organization was. They stated that it was to uphold the civil law and put down this thing of thieving and plunder through the country; and there was a good deal of thieving and rascality then going on by bad men, and horse-stealing also, and property was exceedingly insecure. It was thought that the mystery connected with the organization would produce more terror to them, and that by riding at night and appearing to be a sort of miraculous persons—spirits and ghosts, and things of that kind—it would have a good effect. That object seemed good. Is stated to them so far as that was concerned I saw nothing objectionable to that, but I had always had an aversion to joining secret organizations. It was with some difficulty that I was ever gotten up to join the Masons, and I had an aversion to secret political organizations, and I feared that it might be demoralized if the original object was not connected with politics; that it might become demoralized finally into it; that men might get into it who were bad men and might deflect it from its original objects and proper channel; that I being a lawyer, as I was, while the civil law, it is true, was weakly administered on account of the disturbed state of the country, yet that I had best not go into anything that might lead to an infraction of the civil law by its power or strength, and I declined on that account, but told them that as long as they carried out this purpose I saw nothing wrong in it.

Question. About what time were you approached with this proposition to join the order?

Answer. I think it was in the spring of 1868 or fall of 1867; I cannot remember it now.

Question. Have you heard of any case where that organization was employed for political purposes?

Answer. No, sir; I do not know of a case.

Question. I mean to influence men's voting?

Answer. No, sir; I never have known a single case in our county. I cannot remember now any case that I have heard of at all in any county. You mean where it was sought to produce a terror to influence them to vote for one party or the other? I have never heard of anything of the kind. As to that party that appeared on the day of the election, I sought to investigate and see whether they were bringing any influence to bear in that direction, because I discountenanced that, and I determined that if I could find the parties who were engaged in it I would use what influence I had to prevent it.

Question. They appeared in town while the voting was going on?

Answer. Yes, sir.

Question. Did they ride near the polls?

Answer. They rode around the polls and the court-house—the polls were at the court-house.

By Mr. BUCKLEY:

Question. Did this man who talked with the mayor have on his disguise while talking with him?

Answer. Yes, sir; and he talked with the lieutenant of the guard also.

By the CHAIRMAN:

Question. Was their appearance greeted with favor?

Answer. No, sir; nothing was said to them.

Question. You heard no cheers?

Answer. No, sir.

Question. Did you hear any expressions of disapprobation at their appearance?

Answer. Yes, sir; the citizens disapproved it. They spoke several times during the day that they were sorry it was done; that it might be misconstrued.

Question. Were any republican votes cast at that election?

Answer. Yes, sir; a large number.

Question. Do you think the full strength of the republican party was voted in your county that fall?

Answer. Yes, sir; I think it was.

Question. You have spoken something in relation to the political status of your county. I think I understood you to say it was democratic?

Answer. Yes, sir.

Question. How many votes are polled in Limestone County when the full strength of both sides is brought out?

Answer. Well, sir, I do not know the full strength, and the only criterion I have to go by in the statement I made that the full strength was brought out, was what others said. I have no record of the votes; but I think in the Lindsay election last fall, when Governor Lindsay was elected, there were polled from sixteen to eighteen hundred votes. I will not pretend to be accurate.

Question. Do you mean for him?

Answer. No, sir; the whole vote cast.

Question. You speak of the entire county?

Answer. Yes, sir. I would say fully eighteen hundred votes; it may be more.

Question. Of that number what proportion was democratic and what proportion republican?

Answer. I think there was a difference of about three hundred votes.

Question. About what is the number of white republican voters in your county?

Answer. Well, sir, it is mere guess-work; but I would not think it was exceeding fifty, or, may be, one hundred.

Question. Are they southern or northern men?

Answer. I think they are all southern men, with a few exceptions. We have some northern democrats and some southern republicans. They are pretty well mixed. I do not think there is much difference between the two as far as that is concerned.

Question. Is there any intolerance on account of political opinion expressed in Limestone County?

Answer. No, sir; I think that Mr. John Lamb is the only republican—I mean open and well-known republican—who takes any part in politics; and he is personally a very popular man—well known by everybody as a republican and a strong party man.

Question. By what majority was he elected?

Answer. He is not an office-holder, except he holds the post-office.

Question. Are any republicans elected to office in Limestone County?

Answer. Yes, sir; Mr. Lentz is the sheriff.

Question. When was he elected?

Answer. He was elected in the last election. I have forgotten the year.

By Mr. BUCKLEY:

Question. In February, 1868?

Answer. Yes, sir.

By Mr. BECK:

Question. When the democrats abstained from voting?

Answer. Yes, sir; that was the time he was elected.

By the CHAIRMAN:

Question. Has there been since February, 1868, any more than one election when you had an opportunity of ascertaining the strength of both parties?

Answer. Yes, sir; in the election for governor.

Question. That was last fall?

Answer. And at the presidential election.

Question. How did the vote of Limestone County stand for President?

Answer. I think there was a difference of probably seven or eight hundred votes in favor of the democrats.

Question. Did the negroes vote at the presidential election generally?

Answer. Yes, sir.

Question. Are there any negroes in your county who vote the democratic ticket?

Answer. O, yes, sir.

Question. About what proportion of them?

Answer. Well, sir, I have no means of knowing except those I know about the towns. I think full as many vote the democratic as the other ticket of those about town.

By Mr. BUCKLEY:

Question. Did you ever hear that a colored man was interfered with for voting the democratic ticket?

Answer. No, sir.

Question. They vote freely as they choose?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Have you any reason to suppose that colored people, in voting the democratic ticket, have been under duress of any kind?

Answer. No, sir; not in our county. I have seen some publications in newspapers about that, but not to my knowledge. I have never seen any interfered with. They laughed at them sometimes, but no violence was used or effort made to prevent them. But I think our town is a most conservative town and opposed to all disorder, and discountenances anything of that kind. I do not think either side have tried it there.

Question. Is there any prejudice entertained there against white men who have settled in your county, coming from the Northern States since the war?

Answer. No, sir.

Question. Are they socially well treated?

Answer. They are socially well treated. I know of two gentlemen to whose houses I went about three weeks ago—Mr. Bartlett and Mr. Zeitler—and from my conversation, I inferred that they were on perfect social terms with every gentleman in the neighborhood.

Question. How did they vote?

Answer. I do not know, but I am rather inclined to think they vote the democratic ticket; Zeitler does.

Question. Do you know any northern men in your community who vote the republican ticket?

Answer. Yes, sir; Mr. Lamb does.

Question. Is he outspoken in his sentiments?

Answer. O, yes, sir.

Question. Is he well relished by the southern people?

Answer. Well, sir, he mingles with other young men there as a companion. He is popular. I will say that Lamb is popular among our people. He is regarded as a candid, straightforward, and honest man.

Question. What is his business?

Answer. He keeps the post-office, and a little store and confectionery in connection with it, and a billiard saloon connected with it, running back. He is thrifty and industrious, intelligent and popular. I have never known any interference with him, or any combination against him.

Question. You spoke of disguised bands of men whose objects were horse-stealing and stealing generally, and whose purpose was also—

Answer. To carry out any private revenge they might have.

Question. About how many such bands have you known, Mr. Coleman?

Answer. Well, sir, the band of which I have spoken as having existed about thirteen or fourteen months ago, against whom I commenced a prosecution, called themselves Men of Justice. That was what they signed themselves to the paper that they posted up. That and Moore's band were all that I knew, and that was confined to one neighborhood. I will state that when I got to where Moore carried on these last performances of his, there seemed to be no sympathy in the neighborhood with it; and the men whom he had brought in by this transaction were from what is called the "Dark Corner." The two Smiths, and Boyce, and Peace, lived in the barrens, an entirely separate neighborhood from that in which Moore lived, and where the outrage on Mr. Weir was committed.

Question. Were you acquainted with the condition of affairs generally throughout the State in December, 1868, as to peace, order, and quiet?

Answer. No, sir; I could not say that I was throughout the State.

Question. To what portions of the State did your knowledge or information extend?

Answer. It extended over Limestone, Lawrence, Lauderdale, Franklin, Morgan, and Madison; just up and down this valley I knew pretty much what was going on, though at the time, I will say, I was leading a very private life. I was engaged in teaching, and my attention was not directed much to the affairs of the country. Mine was a retired life, and I do not think that my statements may be relied upon as being very full.

Question. You have of course heard of an act approved December 26, 1868, passed by the legislature of Alabama, entitled "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages." You are familiar with the law, are you?

Answer. Yes, sir.

Question. I will ask you to read carefully the preamble to that law, and after you have read it I desire to ask you whether the recitals in the preamble were true, so far as your knowledge and information extended? [The witness peruses the preamble to the act above named, which preamble is set out in full in the testimony of John A. Minnis.]

Answer. I will state that at the time this act was passed, I did not know of any violence used by disguised men at all. I could see some accounts in newspapers at times, but I knew of no cases of violence in this part of the country.

Question. Had such a state of things as is recited in that preamble existed previous to that time?

Answer. No, sir; not within my knowledge.

Question. From your information, derived from the public press and conversation with public men from different parts of the State, do you believe that was the fact?

Answer. Not in our State. I heard that it existed in Tennessee; but, up to the passage of this act, I had not heard of any violence used by disguised men in our State at all.

Question. You say that this Ku-Klux organization disbanded about the time of the passage of this act?

Answer. Yes, sir; about two or three months before it—that is, the organization in our county. Now, whether it was connected with any other organization or not I do not know. I would qualify that by saying the organization in our county, because I did not know of the organization in any other part of the State.

Question. Have you any reason to doubt the correctness of that preamble as to a great portion of Alabama?

Answer. I thought at the time—but I was not giving much attention to public affairs—that if this preamble was true, it must have been based upon information received from other parts of the State than our own, of which I knew nothing; and I thought at the time it was passed that it recited evils, the existence of which I did not know; but it was not long after its passage that I discovered that these disguised men committed this first outrage which I told you I knew of twelve or thirteen months ago. Then I became convinced that the law was a good law; but, while it may not have applied to anything that came within my knowledge in its passage, yet it turned out to be an excellent law toward breaking up these bands of disguised men, and I invoked, and have ever since invoked, it and regarded it as a good law on the statute-book. I have written to our representative about it. I wrote to, and had a personal interview with, Colonel Lowe on this subject, urging him by all means to preserve, at least, section two upon the statute-book; and I urged the governor, also, if any bill was passed in the legislature abrogating it, to veto it. I wrote him a long letter, urging him to veto any bill that might pass the legislature, at least, for the abrogation of this section.

By Mr. BUCKLEY:

Question. Was not that law very bitterly assailed when it was passed throughout the State generally?

Answer. Well, sir, I do not think it was approved at the time it passed. I did not approve it myself at the time, because I knew of no outrages then by the old Ku-Klux.

Question. Was not the newspaper press exceedingly denunciatory of that law when it was passed?

Answer. I do not remember about the press; I pay very little attention to newspapers; I hardly ever read them; I did not read newspapers much at that time. Now, in my county, they had only known of this organization in the connection in which I spoke of, viz, as not having committed any violence, and the expression generally was they thought it had a salutary effect on criminals.

Question. Do you not think the recitals in the preamble applicable to Green, Fayette, Pickens, Choctaw, and portions of St. Clair, and some other counties in this State at that time?

Answer. I did not know what was going on there at that time; I had no knowledge of any outrages there. You know there is very little intercourse between North and South Alabama; and therefore you see many accounts in the newspapers of things of which you did not otherwise get information; but, as I said, I led a retired life at that time.

By the CHAIRMAN:

Question. So that you are not prepared to say whether that state of things existed or not in 1868?

Answer. No, sir; I am not. So far as our own county was concerned at the time, I had not known of any outrages being committed at all; but I am very glad to invoke that law now. I do it willingly. I volunteered in the invocation of it, as I stated, thirteen months ago. I think it is a better law than the congressional law on that subject. It was drawn by Judge Peters, I have understood—a good lawyer.

By Mr. BUCKLEY:

Question. Have you ever heard of any convictions of parties under that law in this State?

Answer. No, sir; I have not heard of any convictions; but I have heard of no acquittals either.

Question. Mr. Coleman, knowing Mr. Weir as you do, and the circumstances attending the treatment he received, do you think, from all the information you have derived from various sources, that he was guilty of the accusations brought against him in the first instance?

Answer. Well, sir, I have talked with Mr. Weir fully about it. I think he had done as he stated, viz: I think he had spoken to one of these boys about Mr. Blair being bad pay.

Question. Do you think he advised the stealing of the mules?

Answer. I do not think he did.

Question. You think his advice went no further than to tell the colored men to leave if they could not get their pay?

Answer. Yes, sir; I would think that of him; and I never knew Mr. Weir to be engaged in any thieving or any encouragement of it himself.

Question. Mr. Weir was a Union man, was he not?

Answer. Yes, sir. I do not know myself; he told me he was a Union man during the war.

Question. You had a class of old Union men in Alabama during the war.

Answer. Yes, sir.

Question. Was he one of that number?

Answer. Yes, sir.

Question. Was he opposed to the war?

Answer. Yes, sir.

Question. You think he is now acting with the republican party?

Answer. Yes, sir; I expect he is. I have never talked with him on the subject of politics at all, but it is my impression that he is acting with the republican party.

Question. Did the disguise worn by the band of men who came into Athens on the day of the election look as if it were simply improvised for that occasion and temporary, or had any of the disguises been used on former occasions?

Answer. Well, sir, they looked pretty new. They did not look like they had been used, as far as I could tell. I only saw the parties on horseback. They were certainly not like any I had ever seen before. They were, I think, mostly red.

Question. They were not uniform, I suppose?

Answer. No, sir.

Question. They have different bands; this was a secret organization you were asked to join?

Answer. Yes, sir.

Question. Do you know anything about the oath of secrecy or organization of the society?

Answer. No, sir; except that they told me it was secret. I know nothing of the nature of it.

Question. You did not know whether they had pass-words or grips or signs of recognition, or what they were?

Answer. No, sir; not of my own knowledge.

Question. You spoke, in your narration, of the Smith boys; who were they?

Answer. The Smith boys were followers of Moore. That is the only way I know of to designate them. I have seen them with him when in town. They seemed to be his strikers, if you understand that word.

Question. Were there several of them?

Answer. Yes, sir; two or three of them.

Question. Men of what kind of character?

Answer. Men of loose and bad character, I think.

Question. You are the present superintendent of education in Limestone County?

Answer. No, sir; I was not elected; I was defeated.

Question. You are acquainted with the educational interests of that county?

Answer. Yes, sir; to some extent I may say I was.

Question. Have you ever heard of any schools being disturbed or school-houses being burned?

Answer. No, sir. We have a most excellent colored school in Athens, kept up ever since the war by a female teacher.

Question. You spoke, during your examination, of the weakness of the civil law at the time this organization was formed?

Answer. Yes, sir.

Question. Did you speak of that weakness as growing out of the disturbed condition of the country after the war?

Answer. Yes, sir.

Question. You did not refer to an inefficiency of the officers of the law particularly, did you?

Answer. Well, sir, I have made no reference to any inefficiency of the officers.

Question. Your citizens are more outspoken to-day about secret organizations than they were in 1868?

Answer. Well, in 1867 and 1868 there was not much said about the Ku-Klux. There were then no outrages committed in our county, and very little said about them. They did not excite feeling one way or the other.

Question. Have you not heard of disguised bands of men taking out colored persons and whipping them at night, other than those you have mentioned?

Answer. I was going to mention just now that there was a case I had forgotten and omitted in my narration, in the ferreting out of which I am at present engaged, but if this is to be published in the newspapers I would rather not state it, because I am afraid the parties may get hold of it. That is a case I am looking into at this time. It was the case of a black man named Sam Scales. So far as my investigation has gone, he seems to have had a difficulty with a man named Charles Hardy, an old man, and had frightened Hardy very much, and, I think, had struck him and beat him.

By Mr. BECK:

Question. Is Hardy a white or black man?

Answer. He is a white man, and I think said Scales (colored) had at some time drawn a pistol on him. Hardy is supposed to have been implicated in an assault which was made on him afterward by five or six disguised men, which resulted in the death of Scales. He wounded one of the parties very badly, but was finally killed.

Question. Was a colored man killed on your plantation by men in disguise?

Answer. There was a colored man killed on our place, but there was no evidence of the man that killed him wearing a disguise. A colored woman stated that she thought his voice was disguised when he called him out to the gate, but she spoke nothing of the disguise being worn—in fact, that is my recollection of the testimony. I prosecuted that case.

Question. How many men have been put in jail for committing outrages in disguise within the last two years?

Answer. Let me count them. There are four whose names I can now call who had been put in before Moore was—the two Wisdoms, a man by the name of Ruff Ray, and a man by the name of Defour, and there may have been another one. There were two others that gave bond—Tom Miller and one named Goode. They are out on bail.

Question. How many men do you think have been killed in that county in the last two years?

Answer. I could count them up. There is McKee, the horse-thief; Burrus; Sam Scales; and the killing of the negro man, Jake Allen, on our place, was a little over two years ago. I think it was two years ago last spring. I do not know exactly, but I would say six at least—may be eight. Some one told me eight, but I have never counted up more than six who have been killed; but all within a short space of time. Last year I do not think more than two were killed.

By the CHAIRMAN:

Question. When was Scales killed?

Answer. Last spring a year ago. While we have had crime, the county, I think, has done its duty pretty vigorously in the way of prosecuting since I have been in office, and I have not found any reluctance—in fact, there was a willingness. Men volunteered to go into the posses. They were active and vigilant in the posses after Moore. I never saw a guard in the army more vigorous and vigilant.

By Mr. BUCKLEY:

Question. Your people have been aroused by the more dangerous attitude recently assumed by these men in disguise?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were many of your colored people in the army during the war?

Answer. Yes, sir; a good many of them.

Question. Did they bring their arms home with them?

Answer. Yes, sir; I believe, as a general thing, they brought their army guns.

Question. What do you know of their guns having been taken away from them?

Answer. I do not know of any guns being taken away except by this first disguised party I assisted in prosecuting. That occurred thirteen months ago.

Question. How many negroes did they visit?

Answer. I had made out cases and charges against them for three negroes. That was one of my charges, that they assaulted, though in reality they did not use any force, but I charged assault, and I think I can make it out as an assault to take away their guns.

Question. Did the evidence show that these colored people were visited in the night-time by this party to take away their guns?

Answer. No, sir, it was the day-time.

Question. On what pretext were they required to give up their guns?

Answer. These colored people in their testimony said these men just told them they must give up their guns.

[The proceedings of the meeting referred to in the testimony of the foregoing witness, Daniel Coleman, page 648, and the resolutions passed at said meeting, are as follows:]

[From the Athens (Alabama) Post.]

THE CITIZENS' MEETING LAST THURSDAY.

At a large and earnest meeting of the citizens of Limestone County, Alabama, held in the court-house, in the town of Athens, on the 25th day of September, 1871, in pursuance to a call heretofore made, to protest against the outrages that have been committed, and the lawlessness and crime which exist, the following proceedings were had, to wit:

On motion of Colonel T. J. McClellan, Major J. N. Malone was elected chairman, and after a few able remarks, stating the object of the meeting, and condemning lawlessness and crime, took the chair.

On motion of Captain Daniel Coleman, C. M. Hayes was appointed secretary.

On motion of Colonel L. R. Davis, the following preamble and resolutions were introduced, and after strong and eloquent speeches for their adoption were made by Hon. Luke Pryor, J. W. Carter, esq., James E. Nunn, esq., Captain Daniel Coleman, Judge W. H. Walker, and Colonel T. J. McClellan, were unanimously adopted, with a strong hearty vote that carried conviction with it that the meeting was in earnest:

Whereas crime and the ruthless violation of law have increased to such an alarming extent in the county; therefore, we, the people of Limestone County, have met together in solemn convention, to devise ways and means for the suppression of lawlessness and crime, to express our indignation at the recent outrages in the county, and to unite our efforts for the maintenance of the supremacy of the law; therefore, *resolved*:

1st. That we are in favor of "law and order;" and we pledge ourselves that we will obey and encourage obedience to all laws, State and national, to which we as citizens may be subject.

2d. That great credit is due, and we hereby give our thanks, to the officers of the law, and to the people assisting them as *posses*, for their recent energetic action in arresting, and in attempting to arrest, the violators of the law; and we promise to sustain them in all their efforts in the future to have the law enforced.

3d. That we cordially indorse and approve the action of the commissioners' court in employing additional counsel to assist the county solicitor, and we give them *carte blanche* to do the same in the future whenever their judgment may so dictate.

4th. That we approve of the recent action of the county solicitor, and we stand by him and uphold him in the discharge of his duties.

5th. That we are in dead earnest, and we mean what we say, when we declare that

we intend by every means known to the law, "let it fall on whom it may," to put down the lawlessness that now curses and blights the county.

6th. That, to this end, we will form in our respective beats committees of law and order—a sort of special police—whose duty it shall be to ferret out and bring to punishment, "under the law," all violators of the law.

That we authorize and empower the commissioners' court to use any means necessary to put down the crime of the county, and to that end to make such appropriations as are essential to that purpose. And it is the sense of the meeting that the solicitor, in view of the fact that he gets scarcely anything, should be allowed such compensation as the court shall determine is proper.

On motion of Captain Coleman, the secretary was directed to request the Limestone News and Athens Post to publish the proceedings, after which the meeting adjourned *sine die*.

J. N. MALONE, *President*.

C. M. HAYES, *Secretary*.

HUNTSVILLE, ALABAMA, October 9, 1871.

WILEY STRONG (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. On Joseph H. Miller's quarter; a mile above New Market.

Question. How long have you lived there?

Answer. Going on two years.

Question. Have you a family?

Answer. Yes, sir.

Question. State what you know about men visiting you in disguise; when it was and what outrages, if any, they committed upon your person.

Answer. Well, in the first place, men came to my house disguised. When they came they called for me, but I knowed not the men. I didn't know them and they didn't know me, but me and the gentleman that lived on the place had had a fuss, and he threatened me with the Ku-Klux, and when they came they went to his house and asked him where was me, and he told them and they came there, but it happened I was not in when they came, and they went there on my wife—she was in there by herself—and struck her to make her tell where I was; but she was asleep and didn't know where I was. I had got up and went out at the time that they went in. He drewed a piece of iron on my wife, and I went in then. He was trying to make my wife come out of the house—both of them were—and I went in with my gun and knocked one of them down, but which one I couldn't tell, and I struck the other, and ordered them out of the house; and I went out of the house, and they came out, and one of them before he got out cocked his pistol and shot me standing outside of the door, and then they ran off.

By Mr. BUCKLEY:

Question. Did the ball hit you?

Answer. Yes, sir; the ball is in this arm—my left arm; there is the hole in the forearm, [exhibiting the arm, which showed a scar.]

By the CHAIRMAN:

Question. Was this in the night-time?

Answer. Yes, sir.

Question. How late was it?

Answer. I reckon it was a little after midnight.

Question. What time in the night was this?

Answer. It was just before Christmas; three weeks on Saturday night.

Question. Before last Christmas?

Answer. Yes, sir; last gone Christmas.

Question. Were the men disguised?

Answer. Yes, sir; they were disguised.

Question. Describe the disguise.

Answer. One had a paper hat on, painted red, and it looked like there were square stars tacked about on it; they appeared to be crossed upon it. The paper was painted red, stuff like pasteboard. The other had on a hat, and a white handkerchief tied over it, and something white that went down about his feet. Both of them were dressed pretty much that way.

Question. Did they come on horseback?

Answer. They did; they hitched their horses out.

Question. Were the horses disguised?

Answer. Yes, sir.

Question. With what kind of a disguise?

Answer. The horses had on fittings over the heads, mighty nice, and the ears were red, and a kind of speckled new calico covered all of one horse, and the other had a kind of tent-cloth covering him.

Question. Do you know who these men were?

Answer. I didn't know them; and don't know any more than what I heard afterward.

Question. Have they been taken up for it?

Answer. One of them has.

Question. What has been done with him?

Answer. He is in jail here. I haven't seen him. They say they have got Mr. Vickers.

Question. Was he one?

Answer. He was one. We fetched his horse here to Huntsville.

Question. Did you make complaint of this outrage upon you?

Answer. Yes, sir. I came to Huntsville some time back about it.

Question. Whom did you enter your complaint with?

Answer. Down here to Mr. Wager's office; and then I went to Mr. William Weedan.

Question. How long were you laid up with your wounds?

Answer. About two months. I haven't got over it good yet.

Question. What did they say they were doing this to you for?

Answer. These gentlemen came first to my wife, so he said, to know where I was, and showed to her that she sassed white people, and he said he was going to kill her for it; and if she didn't tell where I was, he would kill her, and he did strike her over the head with his pistol, and at that time I run in the house where they were, and struck one of them down. I think it was Mr. Vickers. He was the smallest man. The tallest one I knocked down; but to say I know them I cannot say it. I didn't know them only by the horses.

Question. Do you know any other injuries committed upon colored people up in your neighborhood?

Answer. I don't know; but I heard, maybe one or two months ago, that one got shot and two or three got whipped since that. It was, maybe, one, or two, or three months ago.

Question. What was the name of the one shot?

Answer. The colored man shot was named Payton.

Question. Was he shot by men in disguise?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Who were whipped?

Answer. One was named Hal Johnson that was whipped, and another named Washington Strong.

By the CHAIRMAN:

Question. Were all these crimes committed in Madison County, Alabama?

Answer. Yes, sir; that was about three miles above me.

Question. How far from Huntsville?

Answer. I reckon it is some twenty-four miles from Huntsville.

Question. Did you know what the colored man was killed for?

Answer. No, sir; I couldn't say to save my life. I didn't know he was dead until next morning. They had killed him before they came to my house. The way I came to find it out, his brother-in-law was with him, and he got out under the floor, and came over and told me he expected they would come over there.

Question. Was that man killed the same night?

Answer. Yes, sir; they came on him and killed him on the road between my house and his.

Question. The same men that visited you?

Answer. The same two men.

Question. Now, as to the two colored men that were whipped, did you understand whether the men who whipped them were disguised or not?

Answer. Yes, sir; I understood they were disguised.

Question. How many were concerned in whipping them?

Answer. This colored man said there were five of them.

Question. Have any of these five men ever been punished for the whipping?

Answer. No, sir; I never heard of any one of them having been taken up at all.

Question. Is it known who they were?

Answer. Not as I know of. I heard the colored men say they knew who they were, but they never told me who they were.

By Mr. BECK:

Question. What was the name of the man that was killed?

Answer. Henry Clunn.

By the CHAIRMAN :

Question. Did I ask you what they were whipped for ?

Answer. No, sir.

Question. Do you know ?

Answer. No, sir ; I could not say what they were whipped for. I understood what they say they were whipped for, but I couldn't say that I know it.

Question. What did they say ?

Answer. There was a white gentleman going to move away, and they went up there and frolicked. He asked them up and they picked the banjo, and so on there ; and that was what they were whipped for.

Question. Were they whipped severely ?

Answer. They said they whipped Hal Johnson right smart.

By Mr. BECK :

Question. Who were you living with at the time you were shot ?

Answer. On Mr. Miller's plantation.

Question. What is his full name ?

Answer. Joseph H. Miller.

Question. How long had you lived there ?

Answer. Going on three years now.

Question. Who did you have the difficulty with a short time before ?

Answer. Mr. Caldwell.

Question. Was he one of the two men whom you thought were there that night ?

Answer. No, sir ; Mr. Caldwell was not disguised that night, but they came to his house and called for him. They wanted to see his head, and where the negroes had beat up.

Question. That was the night they came to your house ?

Answer. Yes, sir ; the same night.

Question. Was Mr. Caldwell confined from that injury when they called him out ?

Answer. No, sir.

Question. What was that trouble between you and Mr. Caldwell ?

Answer. I had some shoats, and I opened a pasture, and he had a few potatoes inside of it, and my shoats got in there, and his son put his dogs on my shoats. I went down and told him not to kill my shoats, and Mr. Caldwell came running with his knife out and took two rocks, and told me to hush up, and I told him I wouldn't hush ; that he had stock, and he wouldn't allow me to treat his stock so, and that I was trying to raise my stock, and then he jumped on me to raise me, I suppose, and we had a fight, and he told me then I might look out for the Ku-Klux.

Question. In that fight, did you fight with fists or knives ?

Answer. I fought fists, and asked him to put his knife in his pocket, and we would take it fist and skull, and he put it up, and I knocked him down once and then he run at me with a knife, and I picked up a rock, and hit him in the head with a rock.

Question. Did you knock him down ?

Answer. No, sir.

Question. Did he still come at you with his knife ?

Answer. Yes, sir.

Question. What did you do ?

Answer. I hit him again with a rock.

Question. Where did you hit him ?

Answer. I hit him on the head.

Question. Did you knock him down ?

Answer. No, sir.

Question. What followed ?

Answer. His son went to the house and got the gun and drawed it on me, but it didn't shoot. I went to Mr. Davis about his drawing the gun on me, but he didn't do anything with him about it.

Question. Did you cut his head ?

Answer. I can't say ; he didn't bleed. I can't say that. He didn't bleed.

Question. That was about a month before ?

Answer. Yes, sir. It would have been a month Sunday morning, and the Ku-Klux didn't come at that time. It would have been a month exactly.

Question. After that fight had you any further fuss with Mr. Caldwell ?

Answer. No, sir ; not after that fight.

Question. Your hogs were in his potato-field ?

Answer. No, sir ; in my field. He had a little patch of potatoes in the corner, and I had gathered the corn out, and turned the pigs in there, and went to his son and told him not to kill them.

Question. You turned your pigs in the field where his potatoes were ?

Answer. Yes, sir.

Question. Was he hunting them out ?

Answer. No, sir; his son was dogging them out of the potato field, and I had gathered the corn off the field.

Question. But he had not gathered the potatoes off the field?

Answer. No, sir.

Question. And you had turned your hogs in the field after your corn was gathered and before his potatoes were gathered?

Answer. His potatoes were not gathered.

Question. Were your hogs eating his potatoes?

Answer. No, sir.

Question. What prevented them?

Answer. Nothing prevented them.

Question. They did not like potatoes?

Answer. No, sir; they did not eat them. They hadn't done anything to them.

Question. They could have done it?

Answer. Yes, sir.

Question. Hogs will eat potatoes in this country?

Answer. Yes, sir; they like them if they can get them.

Question. They could have got them if they wanted them?

Answer. Yes, sir.

Question. You are living at Mr. Joseph H. Miller's place?

Answer. Yes, sir.

Question. Twenty-four miles off?

Answer. No, sir; twenty-one.

Question. Where is Mr. Miller's post-office?

Answer. New Market.

Question. What had Henry Clunn to do with this fight; anything?

Answer. No, sir; he did not have anything to do with it.

Question. He was killed the same night?

Answer. Yes, sir.

Question. What information have you that these men killed him?

Answer. I can't say.

Question. Who told you they had killed them?

Answer. His son told that they killed him, and his wife, too.

Question. That these two men killed him?

Answer. His son followed them up that night from the house where they took him. He was a little bit of a boy, too, and he laid out all that night after his pappy was killed, and then came on to my house.

Question. Did he follow the same men?

Answer. The boy followed them till they killed his pappy.

Question. He didn't follow them to your house?

Answer. No, sir.

Question. You do not know whether they were the same men?

Answer. No, sir; only by what they said.

Question. By what the boy said?

Answer. Yes, sir.

Question. How old a boy?

Answer. I don't know; I reckon about ten years old.

Question. Henry Clunn was killed by somebody?

Answer. Yes, sir.

Question. Did you see him after he was dead?

Answer. No, sir; I didn't see him at all.

Question. When they came to your house and asked for you, you had slipped out?

Answer. Yes, sir; I was out.

Question. Who had come to your house and told you they were coming?

Answer. Henry Clunn's brother-in-law. He didn't know whether they were coming to my house or not.

Question. Was he at Henry Clunn's when they came there?

Answer. Yes, sir.

Question. Did he see them take him?

Answer. No, sir; but he was in the house, and they beat him so much he got out of the house. This colored man didn't get out of the house at all. They beat Henry so much, and when he did get out he got under the floor, under the bed. They were beating Henry, and didn't see him. They called to this man that got away for his pistol, and got it.

Question. And that man came to your house?

Answer. Yes, sir.

Question. Had they no pistols of their own at Clunn's house?

Answer. Yes, sir; for they commenced beating on Henry with pistols.

Question. When they came to your house, what did they say to you?

Answer. They didn't say nothing to me, because I was not in the house. They were talking to my wife, though.

Question. What were they saying to her?

Answer. They asked her where was me?

Question. What else did they say?

Answer. They told her that they wanted that God damned Wiley Strong, and that she had to tell where I was. She said she didn't know where I was. They told her to come out of the house; she said she wouldn't; they said, "Come out, or we will burn the house down on you;" she said, "You will have to burn it down, for I will not come out."

Question. Then you went in?

Answer. No, sir; I didn't go in then. They snatched her out of bed and started to strike her, and then I went in.

Question. And you found two men in the house?

Answer. Yes, sir.

Question. And you struck the biggest?

Answer. I struck both of them.

Question. You knocked the biggest one down?

Answer. Yes, sir.

Question. Then you knocked the little one down?

Answer. No, sir; I struck him, but he didn't fall.

Question. Which one shot you?

Answer. The big one.

Question. He had got up?

Answer. Yes, sir.

Question. How often were you shot?

Answer. I was shot once. I was shot at three times.

Question. Where were you shot?

Answer. In this left arm.

Question. With a pistol?

Answer. Yes, sir. Here is the place, [showing the scar.]

Question. After they shot you what did they do?

Answer. He broke and run out of the house after he shot.

Question. Did the same man shoot three times?

Answer. Yes, sir.

Question. What did the little one do?

Answer. He never shot nary time.

Question. What did they do then?

Answer. They made to the horses then.

Question. Then you followed them?

Answer. Yes, sir.

Question. That same night?

Answer. Yes, sir.

Question. Where to?

Answer. Down to the horses; down to the spring below the house; I reckon two hundred yards from the house.

Question. You knew the horses?

Answer. I knew the horses.

Question. Both of the horses?

Answer. No, sir; I knew Mr. Vickers's horse.

Question. What is his first name?

Answer. I believed they called him J. M. Vickers.

Question. Did you come to town to get a warrant out for him?

Answer. No, sir. He carried the horses to New Market and gave them up to Mr. Davis.

Question. Who did?

Answer. My brother-in-law carried them.

Question. They did not get the horses that night?

Answer. No, sir; the men didn't get the horses no more; we got them.

Question. They left their horses?

Answer. Yes, sir.

Question. And you carried them to New Market?

Answer. Yes, sir.

Question. And one of these horses was Jim Vickers's horse?

Answer. Yes, sir.

Question. And then you came to town and got the warrant for him?

Answer. No, sir. We fotch the horses on to Huntsville. We couldn't get no warrant for him.

Question. How did he get into jail?

Answer. He hasn't been long caught; maybe a month or so.

Question. He is in jail now?

Answer. Yes, sir.

Question. For that assault on you?

Answer. Yes, sir; I reckon it was.

Question. Did you know anything about who the other man was?

Answer. Hill, so I was told.

Question. Where is he?

Answer. They never caught him.

Question. Did he leave the country?

Answer. I don't know. I never saw him or heard of him.

Question. Did Mr. Weedan try to take out some paper or warrant for their arrest?

Answer. No, sir; he didn't do nothing.

Question. What did he do?

Answer. He said it was no use.

Question. Did you tell him you knew either of the men?

Answer. Yes, sir.

Question. Which one?

Answer. I told him I knew Mr. Vickers.

Question. Was he the biggest or smallest one?

Answer. The smallest one.

Question. Did you see his face that night?

Answer. No, sir; he was disguised. I didn't see his face at all.

Question. Did you judge it was him by his horse?

Answer. No, sir; I didn't know him or the horse until next day.

Question. Was he at New Market when you went there with the horses next day?

Answer. No, sir.

Question. What is Hill's full name?

Answer. John Hill.

Question. What is the name of the man you had the fight with?

Answer. Mr. Caldwell.

Question. What is his first name?

Answer. I don't know.

Question. Does he live at New Market?

Answer. No, sir; he left.

Question. Where is he now?

Answer. He went to Tennessee.

By the CHAIRMAN:

Question. Did he go on account of this trouble that you had with him?

Answer. I don't know how he came to leave.

Question. Has he sold out?

Answer. He sold out what he had, and went away and carried what he could with him.

Question. How long did you say you had lived with Mr. Miller?

Answer. Two years; going on three now.

Question. Was this man Washington Strong any kin to you?

Answer. No, sir.

Question. A fellow-servant?

Answer. Yes, sir.

Question. When were Washington Strong and Hal Johnson whipped?

Answer. I can't tell exactly when.

Question. Did they tell you about it?

Answer. Yes, sir.

Question. Are they living up there yet?

Answer. Yes, sir; they are living at the same place yet; that is, at Parsou Steele's.

Question. Are they working for him or renting land?

Answer. I don't know whether they are working for him or on shares. I think they are on shares, for they have no stock of their own.

Question. Where is Parson Steele's?

Answer. In about four miles of New Market.

Question. Had the little man a pistol when he was in your house?

Answer. I couldn't tell, it was so dark, whether he had a pistol or not.

Question. Were you shot before you hit him, or afterward?

Answer. Afterward.

Question. How did they come to leave their horses?

Answer. We fought them with rocks, and run them off from the horses.

Question. Who was with you?

Answer. My two brothers-in-law and Henry Clunn's brother-in-law, Scott Roberts.

Question. All in the house when they came in there?

Answer. No, sir; there was no one in the house but my wife.

Question. Did they rush in at the same time you did ?

Answer. No, sir.

Question. You went alone ?

Answer. Yes, sir.

Question. Did they stay outside ?

Answer. Yes, sir.

Question. And they joined with you in pursuing them ?

Answer. Yes, sir.

Question. And that is the way you captured the horses ?

Answer. Yes, sir.

Question. What did you do with the disguises you captured with the horses ?

Answer. Just fotched them here to Huntsville with the horses.

Question. Who did you give them to ?

Answer. I don't know who to ; they just fotched them here. I was bad off ; I was at home them.

Question. Your arm was hurting you then ?

Answer. Yes, sir.

By Mr. BUCKLEY :

Question. Were these two men whipped this year, or last year ?

Answer. This year—only two or three months ago.

By Mr. BECK :

Question. When were you shot ?

Answer. Three weeks to last Christmas.

By Mr. BUCKLEY :

Question. Were these men you speak of as whipped, whipped by disguised men ?

Answer. Yes, sir ; by disguised men.

HUNTSVILLE, ALABAMA, *October 9, 1871.*

AUGUSTUS BLAIR (colored) sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?

Answer. Here in Huntsville.

Question. Where did you live in December, 1868 ?

Answer. On Major Floyd's plantation, in Limestone County, on Fort Hamilton Hill

By Mr. BECK :

Question. What is the post-office ?

Answer. Lucky-Hit post-office ; a mile and a half from there.

By the CHAIRMAN :

Question. State whether you had a son killed about that time—December, 1868.

Answer. Yes, sir.

Question. Go on and state the circumstances of his death.

Answer. I had a son who was living with me at the time ; the only son I had ; about eighteen years old ; very well grown ; as big as I was. He went out on a Monday night over to what they called the Allen's Ford, where some colored people were settled, on the creek, hog-killing, and Jim Henry Cox, and Bunk Hinds and Pony Hinds, (two brothers,) were there, and they got into a row with this boy.

Question. Who did ?

Answer. These Hinds and Jim Henry Cox, and then Jim Henry Cox tried to cut his throat with a knife, and he throwed up his hand, and some other colored people—Place Forrow and Reuben Blair—prevented it, and they took him home with them that night, and he came to his house Tuesday morning to me, and the Tuesday night following the Ku-Klux came. They told him that night, " You fight now, but you will not fight when the Ku-Klux come." It was awful cold that night.

Question. Did the Ku-Klux come to your house ?

Answer. Yes, sir.

Question. At what hour ?

Answer. About 11 o'clock by Mr. Wallace's clock. I had no clock. I asked him next morning what time it was they came, and he said it was about 11 o'clock.

Question. Had you retired ?

Answer. Yes, sir. I was abed and asleep, with all my family.

Question. Was there any light burning?

Answer. Yes, sir; a good big fire. It was mighty cold. Just as I laid down I put on two sticks of wood.

Question. Had you any expectation of being visited by Ku-Klux?

Answer. No, sir, no dream of being pestered by anybody. I stood in such a way I didn't think anybody had anything against me. They had been at my house once before, but didn't interfere with me, and I had been resting safe. I went there in 1867, and this was in the fall of 1868.

Question. State what they did.

Answer. They came that night and knocked at my door. I got up and opened the door very quietly, and they came in.

Question. How many came in?

Answer. Sim Hudson and Pony Hinds walked in at the door, and just behind them came Hugh Hudson, Sim Hudson's father, and he took a chair and sat down by the fire, and they ordered me to light a candle. I took a candle from the mantelpiece and pulled a straw from the broom to light the candle. Sim Hudson kicked his father a little in the back with his knee, and pointed to me. I was looking in his face this way. I knew him. I had lived there thirty years.

Question. Had they disguises on?

Answer. Only one of the men had; Dick Hinds had on a disguise. I knew him. Me and him was raised together. He had a little piece over his face. They came and searched my house all over it. By the time I got out of bed I heard them breaking the door down in the room where my boy was, with two grown daughters. He had two sisters that were grown; they had been married, but their husbands died in the war. They broke that door down, and just as I got up I heard the door fall, and they said, "Here he is, by God! Here he is!" Dick Hinds came into my house and asked me to carry the candle into the next room, and one of them said, "Keep back Jim Henry; he will cut his throat." I walked in and says to my daughter, "Where's William?" and she says, "There he is; see the blood running;" and I stepped out on the platform and held up the candle and looked at them, and as I looked out two of them had him and had his head drawn back in this way (illustrating) and two others were beating him in the face with a pistol. They had no disguises on. They finally took him off a quarter of a mile. When they started this man went to me and said, "Do you know me? Don't you tell me no lie." I said, "No." This was Dick Hinds. He says, "No, God damn you; you had better not know me." He says, "This time I have nothing against you. You are a hard-working old nigger. You staid at home during the war and took care of the little children." Another one stepped up and said, "I want to give you some anyhow, if you did stay at home in the war. You said my son came to your house and took your horse out of the stable." I says, "Yes, I did say so. He came to me and told me he wanted my horse and took him out of the stable." Says he, "I want to hurt you," and he walked up toward me, and one of them flung him back and says, "You shan't hurt old Gus. He is making an honest living. You go on and let him alone." I stepped in and put on my boots to get out through my stable, and as they went through the yard I went through the orchard and got over where there was hog-weeds as high as my head, and came up and heard their conversation as they were going up the hill with my boy. On the hill there was some cotton, and I got on my knees there and crawled up to hear what they would do; for if they killed him I wanted to find him. There they stripped him naked. I was close enough to hear him, as they were going up, when he told them, "Oh! gentlemen, you all carrying me along, and here are two men stabbing me with a knife." They said, "It's a damned lie; nobody is sticking you." He says, "Oh, yes; I feel the blood running down my pants." They says, "Go on, God damn you; you will have no use for no blood no how mighty soon." He went on up the hill with them, and they were punching and cutting him. When they got up there they took him down and beat on his head. I was not further from them than twenty yards. I crept right around behind the patch of briars and laid there. He never hollered but once, but I could hear him [imitating the wheezing, rattling sound in the throat] as they were choking him, and others were cutting him with a knife as they held him there, and some of the rest of them were going backwards and forwards to the other company, and some of them came sometimes as close as from here to that post, [five yards.] I would lie close, so they could not see me. The night was mighty cold, and they made up a fire just a piece off—as far off as from here across the street—and they would pass backward and forward; and one of them says by and by, when they were cutting at him, "The captain says you have done enough." They said to the boy, "You feel here and see how you like these gashes. Do you reckon they will do you?" He went back to the captain and told him, and the captain hollered, "I told you to spare life," and then one says, "Get up, get up, God damn you," and I looked up, and the boy was so weak that when he went to get up he was staggering, and one of them caught him by the shoulders and held him, and just then one hauled off and struck at him. He had staggered, I reckon through weakness, for the road was bloody all the way up the hill. This man hauled off and struck him and then jumped on to

him and stamped him, and they shot off their pistols then and got on their horses and went away. I was looking at them to see which way they were going for a while, but I got uneasy and went on to take the boy on to the house. I was scrambling in the bushes and around trying to find him, when I heard the girls, a quarter of a mile off from me, cry out, "Oh, Lord! Lord! here's Billy cut to pieces with a knife! Come, sister, help me put him in the house." And I struck and ran home, and there he was standing with nothing on him but his shirt, and trembling all over and bloody, and I says, "Oh, what's the matter? Can't you tell me nothing, my boy?" and he says, "No, no," and they took him in and I drew the bed before the fire in my room and sent the little boy off as fast as he could go for the doctor, but the doctor sent word he was going to Huntsville and could not come. The next morning before day I put the little boy on a horse and sent for the doctor again. Doctor Frank Blair sent word he couldn't come, but he would send his father, old Doctor John Blair; that was the man that raised me. He never came until 8 or 9 o'clock that morning; then he walked in. By that time the house was crowded with white people, and when he walked in and looked at the boy he says, "I don't think I can do him any good." Says I, "Are you going off without trying to do him any good, doctor?" He says, "Have you got any tallow?" I told him I had. He says, "Have you any castile soap?" I said, "Yes," we had. Says he, "Have you got any tar?" I told him we had. Then he turned in and made a poultice, a salve, and dressed his wounds. I heard him tell it in Huntsville afterward that it took him two hours to dress the boy's wounds. You couldn't touch him anywhere, from his shoulders down to the tips of his big toes. There was no place on his legs or feet that you could touch him.

Question. Why could you not touch him?

Answer. Because it was cut to pieces with a knife. The calves of his legs were split up and cut across, and his thighs were split open and cut across, and his knee looked like they had tried to take the cap off of his knee, and all his hands and arms were cut and slit up too.

By Mr. BUCKLEY:

Question. Did you say his feet were cut?

Answer. The bottom of his feet were split open and the bottom of his heel was split. Mr. Tom Green here was one of the grand jury that examined him.

Question. Was he carried here before the grand jury?

Answer. Yes, sir, he was carried in on a litter part of the way.

Question. How long did he live?

Answer. He lived a year. I fetched him here. I lived in Limestone then. He got so he could get about a little. I hired a wagon and fetched him here, but directly he came here he was taken down with a hemorrhage that came from stamping him on the stomach and breast. They stamped him all over the stomach and breast. In two weeks after he was examined in the court-room there he died. Everybody that saw him said he couldn't live, and they were surprised that he lived so long. I had the doctors to tend him. I owe forty or fifty dollars to Doctor Henry Benford; he asked me for the money on Saturday. After all this was done I knew every man of them, and I came here and made complaint. Mr. Wager assisted me, and Jim Common, of Athens, told me to have them arrested before the grand jury. I did it, and Mr. Lentz, the sheriff—I went down with him—Mr. Common and Mr. Lentz took the boy in the room and examined him. He says to me, "Gus, he can't live." At that time his legs were more than double the natural size. I had a good deal of property down there. I had thirty head of hogs and four bales of cotton; I had four bales ginned and fetched on to Athens with me; I got Mr. Wallace to help me, for I had got crowded. I fetched my cotton there and sold it. They looked for me to go back. I left my wife and young child there. I didn't want to go away. I hadn't done anything, but I believe they would have treated me just the same way and I went away. I left thirty head of hogs and one good milk cow; four bales of cotton and my corn in the field. Jim Common told me to sue for it. I went down there and all my things were gone.

Question. Who got them?

Answer. I don't know. Mr. Wallace turned around and sold a part of my hogs to Aquilla Cheatham, one of the neighbors there.

By the CHAIRMAN:

Question. Now give the names of the men concerned in the beating and cutting of your son?

Answer. Dick Hinds and Pony Hinds, Ruff Ray and George Hudson, Sim Hudson, Chew (Fitzhugh) Hudson, Bill Norther, Jim Henry Cox, little Dave Friend. They had it down there Dave Friend, and they went to arrest the old man and let the young one go, and since that they say his name is John, but he always went by the name of Dave.

Question. How many of these men were arrested?

Answer. Eleven of them.

By Mr. BUCKLEY:

Question. Have they all been arrested?

Answer. Yes, sir; but they done run off. Only three came to the United States court here in May.

By the CHAIRMAN:

Question. Had they given bail to appear in court?

Answer. Yes, sir.

Question. Did they forfeit their bonds?

Answer. Yes, sir; they went off and are not here.

Question. Have they left that part of the country for good?

Answer. Yes, sir; they have gone to Arkansas.

Question. Have these three been tried?

Answer. No, sir; they never had them up here before the court at all.

Question. Are they out on bail now?

Answer. Yes, sir. They were here last spring, but the others were not here. Lawyer Malone, of Athens, told me he thought the ones that done the damage were going. "Where," I asked him. He said Dick Hinds was going to Arkansas, and he didn't know where Jim Henry Cox was.

By Mr. BUCKLEY:

Question. Is Eliza Jane Blair your daughter?

Answer. Yes, sir.

Question. Did she make an affidavit before Mr. Wager in regard to this case?

Answer. Yes, sir; she came here, and my daughter Charlotte, and my wife too; they all saw them and all knew them.

By the CHAIRMAN:

Question. Were more than one of these men disguised?

Answer. Only one was disguised.

Question. How was he disguised?

Answer. He had on a gown that struck him about the top of his boots—may be half way from his knee down, and a sort of white veil over his face, and he raised it up and asked me if I knew him. I reckoned it was best to say I didn't, and I told him I didn't know him. He said, "Damn you, you had better not know me," and he commenced talking about the horse. The other one stepped up then; he had a pistol in his hand and jabbed it in my face.

Question. Did they come on foot to your house?

Answer. Yes, sir; the horses were on the hill. After they got done they went over to Yarborough and beat a boy by the name of Joe Yarborough.

Question. The same night?

Answer. Yes, sir; down in the fork of the river.

Question. Was he a colored boy?

Answer. Yes, sir. These men, when they came back to my house asked, "Where is Gus?" She said she didn't know, and they knocked her down, and stamped her and choked her on the bed. They went down to the house to one of my daughters and choked her and beat her, and was going to beat Eliza, but she begged that she was sick and says, "I don't know where father is." One of them run in the house then and said, "Come out here and let the women alone; they don't know where Gus has gone."

Question. How long was that after your son was taken out?

Answer. The same night. A parcel of them took him and two of them came back and did that, and they told my wife, "Tell Gus he has been here two years, and it is as long as we intend he shall be here. White folks wants to work this land." There is six hundred acres of land cleared. I rented out part of my land there to a white man named Mr. Wallace. He told my wife to tell me that inside of two weeks I must not be caught there. He said, "He has got to get away, crop or no crop."

Question. Were these men all renters?

Answer. The Hudsons were renters. They were not all renters. Dick Hinds had a very good plantation. The Hudsons were renters, and Jim Henry Cox and Ruff Ray were renters. Then I had to just get away from there as quick as I could. That night, cold as it was, my wife had to lay out all night long. She could not find me and I could not find her. I went over to where Mrs. Andrews was lying a corpse and they were sitting up with her, and I asked if Elam Hamilton was there. Some white women came out and they seemed scared. It seemed that there were no men there. I wept on over home, then, and asked for my wife. About daylight my wife came in. She said she had been sitting in the cotton patch all night in the cold. At this time Mr. Wallace's wife came from sitting up with the corpse, and she said, "What is the matter here?" I says, "It was near about judgment last night. They have cut Billy all to pieces and have killed him. Doctor Blair says it is no use to do anything for

him." She says, "Oh Lord! good Lord! good Lord!" and Mr. Wallace came to my house and asked what I was going to do. I told him I was going to hitch up my horses and get my cotton; that I could not go away. I says, "I will have to have carts to carry it away." He says, "I don't reckon your sorrel horse will work, and I will let you have my horse to help you if your horse don't work;" but my horse worked finely, and I hauled four bales; I took two bales, and Mr. Wallace two bales. I sold my cotton for twenty cents, and I paid Mr. Common what I owed him, and then I came on here and sent back for my children, and my hogs, and everything else was gone and destroyed. Mr. Floyd came up there once in the spring, in March. He asked if I could pay him. I told him I had nothing to pay him. I says, "When I came away you ought to have gone down there and taken everything." There was a bale left up-stairs and half a bale in the gin, and the rest in the patch. There was nine bales in all; and about all my corn and everything is gone.

Question. What was the value of the corn, cotton, and everything else that you left behind when you came away?

Answer. About five hundred dollars' worth, Mr. Common said. I never even got a chair—everything was destroyed and taken. There was four bales of cotton, and four bales of cotton, you know, was worth \$200 at 20 cents a pound. Cotton rose then. I had forty acres of corn, out of my seventy-five acres, and it was good corn—splendid corn. Mr. Hamilton wanted to buy the corn in the patch. Just before that I was speaking of moving away, and Mr. Floyd says, "Gus, you are such a good farmer, nobody will interrupt you," and then I turned in and rented the place for another year, and I was to pay him when I sold the present crop, but they broke me up before Christmas.

Question. Did he hold you for rent when you had been compelled to abandon the place?

Answer. Yes, sir, he even came up here for it, and I had his brother-in-law to draw a pistol on me, right down in the next room, about the pay. Mr. Figgs, the squire, saw it.

Question. You say you had two sons-in-law in the Union army during the war?

Answer. Yes, sir.

Question. Did they return?

Answer. No, sir; they died. Anderson Blair was Eliza Blair's husband, and she made affidavit for her pay a good many times, but Mr. Wager said she didn't make the right kind of proof.

Question. Did you have any arms about your house at the time of this occurrence?

Answer. No, sir; not a thing. I was living there just as quiet and peaceable as any neighbor or citizen could live; no black person but me lived there. They had run all the rest of them away, but I didn't think anybody would ever interfere with me.

By Mr. BUCKLEY:

Question. Have you heard of any more disturbances of this kind down there?

Answer. Yes, sir.

Question. Did you hear of black people being whipped by men in disguise?

Answer. Yes, sir, and white men too. Mr. Harrison, Mr. Wallace's brother-in-law, a white man and a Union man, was taken out and whipped badly and treated awfully, and then they told him to get away; and then they came back, two weeks before they came to my house, and tied him to a simmon (persimmon) tree and shot him.

Question. Did you hear of any other case?

Answer. Just a while before they killed Mr. Harrison they went over by Benfield's, and they had some big persecution and whipping of people over at Rodgersville.

Question. Black people?

Answer. Yes, sir; they took one man there and treated him pretty much as they had treated my Billy.

Question. Was that in Limestone?

Answer. No, sir; in Lauderdale County. I didn't live but two miles from the line.

Question. Did you hear of men riding in disguise in that county?

Answer. Yes, sir; men in Lauderdale County wore black gowns, but in Limestone they wear white gowns; but when they came to my house, that night, they didn't have on white gowns. I reckon they thought there wasn't but one negro there, and they didn't need to put on gowns. Several citizens asked me about it, but I told them I reckon they thought they didn't need any as there was only one negro there.

Question. Did you hear of other places where disguised men took people out?

Answer. Yes, sir; all through Tennessee. Mr. Hamilton, just a while before this happened, was up in Tennessee hunting a mule, and he said to me, "I saw the awfullest sight day before yesterday that I ever saw in my life." He had rode out in the cotto-field to where I was. I asked him what it was. He said, "I saw a man tied to a tree and shot six times through the head, and his head just laid back, his mouth open, and grinning dead, and it was the awfullest sight I ever saw."

Question. Where does the doctor live who dressed your son?

Answer. In Limestone County; he has been here twice as a witness.

Question. When did your son die?

Answer. Year before last; the first Christmas morning.

Question. How long did he live?

Answer. About a year and a few weeks.

Question. Did you ever hear the doctor say what was the cause of his death?

Answer. I heard him say, down there in the court-house, that it was the cutting and stamping that had killed him; he said, when he came to see him at first, that he had no idea at all of his ever living. Mr. Joe Petty told my daughter—a neighbor man that ginned my cotton—and told me, "Gus, I could have told you here last year, but when I told you they were not going to let you live there you ought to have gone away and then your boy wouldn't have been cut up." He was standing at my door and asked about it, and when I began to tell him he ran off to the gin and says, "I can't stand to hear of a human being being cut up in that way. I can't bear to hear that now; let me study on it a while and get my mind settled to hear it." He went off, and he came next day and asked to hear it, and I told him, and he says, "O, God, Gus; you must get somebody else to gin your cotton now. I can't do it after hearing that. I can't gin your cotton." He says: "If they had known that Billy could have got to the house they would have killed him where he was that night. They had no idea of his coming to the house." Then he says, "I'll gin your cotton and let you get away, for I listen from this time every night for your death."

By Mr. BECK:

Question. I thought you stated at first that your boy died a very short time after this cutting?

Answer. No, sir.

Question. How long was it?

Answer. It was a year and about two weeks. It was done two weeks to Christmas, and he died about Christmas.

Question. It was done two weeks before Christmas, 1868, and he died Christmas, 1869?

Answer. Yes, sir; Christmas morning, 1869.

Question. Were the fellows who killed him the same fellows that had the fight with him a short time before?

Answer. Yes, sir, the very men.

Question. How long before the time they butchered him in that way was it they had had the fight? You say it was on Monday night.

Answer. It was a month lacking a day. It was Monday night he was at the hog-killing and they had the fuss, and Tuesday night, the very next night, they came. They told him, "God damn you, go on now; you can fight now, but wait till the Ku-Klux come."

Question. Monday they had the fight, and Tuesday night they came and butchered him?

Answer. Yes, sir.

Question. The same lot of fellows?

Answer. Yes, sir; there was Jim Henry Cox had the knife, and I heard them say "Keep Jim Henry Cox back or he will cut his throat;" and while they were beating him in the face with his head thrown back, Jim Henry Cox run up to cut his throat with his knife out this way, [illustrating,] but his uncle threw him back and kept him off.

Question. Did they have a pretty hard fight the night before?

Answer. No, sir; there were three of them, and he was but a boy, only one. Bunk and Pony Hinds were there.

Question. What kind of people were the Hinds'?

Answer. They were low-down, drunken, mean men, the meanest, meanest kind of mean men. They are drunkards and mean men, and their daddy before them—mean, mean, mean as you can think of.

Question. What sort are the other lot—the Hudsons?

Answer. They are the meanest kind of men that you could find anywhere; always troubling and disturbing people, whites and blacks.

Question. Eight out of the eleven left the country?

Answer. Yes, sir, only three of them came here, and all the balance are gone.

Question. And they are being prosecuted now in the United States court?

Answer. Yes, sir; one of them is dead. He has gone to his long home.

Question. He has beat the case?

Answer. Yes, sir; he is dead.

HUNTSVILLE, ALABAMA, October 9, 1871.

WILLIAM FORD (colored) sworn and examined.

By the CHAIRMAN:

Question. Where did you live in the fall of 1868?

Answer. On Mr. Jesse Lawler's place, the other side of the Brownsborough road, in Madison County.

Question. How long had you lived there?

Answer. I had lived there going on two years.

Question. Were you in the Army during the war?

Answer. No, sir; I was with the Army three weeks, but not a soldier. I was only helping to fortify.

Question. Had you a family in the fall of 1868?

Answer. No, sir.

Question. Were you visited by the Ku-Klux that year?

Answer. Only just once; that time they whipped me.

Question. When was it?

Answer. 1868.

Question. What month?

Answer. I don't know exactly what month. It was just a week before the Grant election came off.

Question. Go on and give all the particulars of your whipping.

Answer. I really don't know what they whipped me for. They said they whipped me for my threatening to shoot them if they ever attacked or did anything to me; that is, them of the Ku-Klux faith.

Question. Who whipped you?

Answer. I can't tell; they were disguised.

Question. How many were in the crowd?

Answer. I suppose about a hundred in the crowd.

Question. Were they disguised?

Answer. Yes, sir, every one of them.

Question. Were they on foot or on horseback?

Answer. On horseback.

Question. Were they armed?

Answer. Yes, sir.

Question. How were they armed?

Answer. With pistols.

Question. Were their horses disguised?

Answer. Yes, sir.

Question. What was the disguise the men had on?

Answer. They had white cloth over their faces, and had on long black gowns.

Question. Had they any horns on their head?

Answer. Yes, sir, they had horns on their head. They didn't have their hats on. They had something on their heads with horns to it.

Question. How were their horses disguised?

Answer. They had white sheets tied over them that came down under the belly and were tied. It didn't go down on the legs at all.

Question. How late at night was it?

Answer. About 11 o'clock.

Question. At whose house was it?

Answer. At my father's house.

Question. Were you abed?

Answer. Yes, sir, I was abed sick.

Question. Was the whole family abed?

Answer. Yes, sir.

Question. Was there any light in the house?

Answer. No, sir.

Question. What did they do?

Answer. They came into the door and called for me. When they called for me I jumped out of bed. I saw there was no chance to get out of the house. I pulled up a plank under the bed, and they came in and searched for me, and they went to another house and inquired for me, and he told them I was sick and was bound to be there, and so they came back and tore up the floor and got me out, and they chained my arms and beat me out in the road, and made me run about half a mile.

Question. Had you any arms in the house?

Answer. No, sir.

Question. Who were in the house when they came there?

Answer. James Ford and Margaret Ford and Aaron Ford; that's my mother and father and brother.

Question. Were these all that were about the house?

Answer. Yes, sir.

Question. No arms were about the house?

Answer. No, sir.

Question. Were you expecting them at all?

Answer. No, sir.

Question. Was that the first you ever saw of the Ku-Klux?

Answer. Yes, sir; that was the first I ever saw of them.

Question. Was that a moonlight night?

Answer. Yes, sir.

Question. You say they bound your arms?

Answer. Yes, sir; right back in this way, [illustrating,] and chained them back, and they run the chain across my back and looped it in each arm, and made me run about half a mile, to where they whipped me.

Question. Had you your clothes on?

Answer. I came out of the field that evening and had a chill, and just laid down on the bed, and the folks didn't wake me up at dark, and so I didn't pull my clothes off, and hadn't them off when they waked me.

Question. You had a coat on?

Answer. No, sir; only a vest and pants.

Question. What did these men do then?

Answer. They stretched me out in the road and whipped me, I suppose about a hundred lashes.

Question. Was this all done by one man?

Answer. Only one man did the whipping; but the men that made me double-quick before that were not the men that whipped me.

Question. What were you whipped with?

Answer. With a hickory switch.

Question. How long?

Answer. I suppose about four feet long.

Question. Did it cut the flesh?

Answer. No, sir; only in one place. One of them, when they had me running, jumped his horse on me, and the horse struck my heel and it cut the flesh right smart. That is the only place it cut the flesh. He never cut the flesh with a switch.

Question. Did you lie with your face down while they were whipping?

Answer. Yes, sir.

Question. What did they say they whipped you for?

Answer. They said they whipped me for threatening to shoot the Ku-Klux if they attacked me.

Question. Did they say they were Ku-Klux?

Answer. Yes, sir.

Question. Where did they say they came from?

Answer. Some of them said they came from Nashville, and some down from off the moon.

Question. Did you know any of them?

Answer. No, sir; not one of them. They were all disguised.

Question. Did they have any liquor along?

Answer. I don't know whether they had or not.

Question. You did not see them drinking?

Answer. No, sir.

Question. What did they do with you after they whipped you?

Answer. They told me to go on back. They asked me who I was going to vote for; for Grant and Colfax, or Blair and Seymour, and I claimed to them, as they had me out there overpowered, that I would vote for Blair and Seymour. I did that to get off. They wanted to know my politics, and I answered, "What is politics, sir?"—very ignorant like—and he says, "Who will you vote for?" I says, "I will vote for Blair and Seymour." I said that to get off as light as I could. They had another man out at the same time, and they whipped him tremendous; four whipped him at the same time.

Question. How did you know that the men who whipped you were for Seymour and Blair?

Answer. I knew that no republican would go on no such a platform as that.

By Mr. BUCKLEY:

Question. Who was this other man who was whipped at the same time?

Answer. George Lawler. He lived on Ben. Lawler's place. I live on Jesse Lawler's.

Question. What did they whip him for?

Answer. They said they whipped him for his threats, and for talking politics.

Question. Did he talk politics?

Answer. I suppose he tried to instruct his colored friends, and he was not so particularly wise a man in talking politics, but he talked what he thought was reasonable and what he knew.

Question. Did they whip him severely?

Answer. Yes, sir; four or five whipped him at the same time.

Question. The same men that whipped you?

Answer. Yes, sir. They whipped him as near to me as from here to that chair. They whipped him first.

Question. The same band whipped both of you?

Answer. Yes, sir.

Question. Did they say anything to him about politics?

Answer. Yes, sir; and I suppose he owned a great deal that he knew, and he claimed that he was going to vote for Grant and Colfax, and I suppose that is why they whipped him so much more than me. He had threatened to shoot them, and, in fact, he had his gun sitting at the head of his bed. He had made his threats that he had it there, and they went in and found it there, and took him out and whipped him mighty bad.

Question. He had said if the Ku-Klux troubled him he would shoot them?

Answer. Yes, sir.

Question. Did they draw blood on him?

Answer. Yes, sir, they drawed blood on him.

Question. Did you ever hear of these men whipping a democratic negro?

Answer. No, sir. I never heard of their whipping a democrat.

Question. Have you heard of any other cases of whipping up there?

Answer. Well, sir, I heard they whipped old man Wesley Vincent.

Question. The same fall?

Answer. I don't remember about the time; may be a month after they whipped me, and took two pistols and a gun, and seven dollars in silver and nine dollars in green-backs.

By the CHAIRMAN:

Question. Was he a colored man?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. What did they whip him for?

Answer. I don't know what they whipped him for.

Question. Did you hear of any other cases?

Answer. No, sir. I went off that fall, and shortly after that down to Arkansas, and staid there until last Christmas.

By the CHAIRMAN:

Question. Did all this whipping happen in Madison County?

Answer. Yes, sir; all these cases I have explained happened in Madison County.

Question. In the fall of 1868?

Answer. Yes, sir.

Question. Were any of these men ever punished for any of these whippings?

Answer. No, sir; never.

Question. Were they never taken up?

Answer. No, sir; in fact I don't know whether there was any of them known; who they were that did it, and if they were known men were afraid to tell who they were. I don't suppose they were known because they were always disguised when they first came about. I don't know how it was last year and year before last.

Question. Did you come to Huntsville and make complaint?

Answer. No, sir; I didn't make complaint. I got through with my crop as soon as I could, and wound up and went to Arkansas.

Question. Did you go because you were afraid to stay in that neighborhood?

Answer. Yes, sir, because I was afraid to stay in this country.

Question. Did any colored men in that part of the country vote the democratic ticket?

Answer. I heard of some that voted the democratic ticket.

Question. Why did they do it?

Answer. Because they were scared into it and forced into it.

Question. Did they tell you so?

Answer. Yes, sir, they told me so. When the Grant and Colfax election came off I didn't vote at all. I was afraid to. I didn't want to vote democrat, and I thought if I couldn't vote the republican ticket I would not vote at all, and so I didn't vote at all.

By Mr. BECK:

Question. These were the first Ku-Klux you ever saw?

Answer. Yes, sir.

Question. And the only ones you ever saw?

Answer. Yes, sir. No, I will take that back. I saw some passing the road one night after that. I was off a good piece, though.

Question. They had never troubled you before in any way?

Answer. No, nor since.

Question. What were you threatening them about?

Answer. I suppose they said I threatened to shoot them if they ever undertook to come in on me to whip me.

Question. Had you not been threatening them?

Answer. No, sir.

Question. How did they get that out on you?

Answer. I don't know. That's what they whipped me for. There is a great many people in that neighborhood, and this man I was living with had a brick-yard, and me and him had a falling out, and came mighty near fighting, and he said, "Go ahead, young man, and watch your downfall," and about a month after that the Ku-Klux came and whipped me. Me and him had a falling out about his whipping my brother.

By the CHAIRMAN:

Question. What was his name?

Answer. Jesse Lawler.

By Mr. BECK:

Question. Is he there yet?

Answer. No, sir, he is dead.

Question. Where do you live now?

Answer. On Perry Harrison's place, about a mile from there.

Question. Were you summoned to come here?

Answer. No, sir.

Question. How did you find out that you might be wanted?

Answer. Ham Gravitt came out and strewed the news through the country, and came to me and talked about it, and told me and proposed to me to come down to-day, and I got on the horse and came on.

Question. You came to the door here without being summoned?

Answer. Yes, sir.

Question. How many of you came?

Answer. Three of us came together.

By Mr. BUCKLEY:

Question. Had you all been whipped?

Answer. Ham Gravitt himself hadn't been whipped.

By Mr. BECK:

Question. Where does he live?

Answer. Up two miles from Maysville—two miles from where I live. Anthony Bowen was there too.

Question. Is he at the door?

Answer. Yes, sir.

Question. Did you and Lawler come to blows?

Answer. No, sir. He whipped my brother, and I asked him who authorized him to whip any nigger. He said he 'low'd to whip every nigger in the brick-yard before 10 o'clock. I got outside then and told him here was one he wouldn't whip, and I was as good a man as there was in the brick-yard. Then he said, "Go ahead;" he would whip my brother again, except hell froze over.

Question. When you stepped out of the brick-yard did he follow you?

Answer. No, sir.

Question. You didn't have the fight?

Answer. No, sir; we never had the fight.

By the CHAIRMAN:

Question. Did you ever hear of the Ku-Klux visiting the colored people's houses for the purpose of taking their arms of defense?

Answer. I have very frequently heard of that. They called on me for my arms that night. I had none; they said I had some—that they were told I had some. A few weeks before that I had a pistol, and I came off down to Huntsville, and somebody stole it from me. They took the weapons from mighty near all the colored people in the neighborhood. Very few have anything now.

Question. Was this done before you went to Arkansas?

Answer. Yes, sir.

Question. Was it done by the Ku-Klux?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did not men go about the country here in 1863 taking arms away from the colored men in all parts of this county?

Answer. Yes, sir; men that claimed to be Ku-Klux, from each way, so far as I could near, and men right down in the neighborhood—all down where I lived did it.

Question. They just came in and got their guns and pistols, and took them and left?

Answer. Yes, sir.

By Mr. BECK:

Question. Had you Loyal Leagues there?

Answer. Yes, sir.

Question. Did you vote for Colonel Callis at that time?

Answer. Yes, sir.

Question. Did he frequently get you up to his Bureau gatherings and have you there?

Answer. Yes, sir.

Question. Was there not a good deal of burning and stealing, and all sorts of devilment going on from your Loyal-Leaguers?

Answer. No, sir; not any burnings that I know of—not as I heard of.

Question. There was a heap of stealing going on, was there not?

Answer. Not as I heard of.

Question. When one of your colored people wanted to vote the democratic ticket, what did you Loyal-Leaguers do with him?

Answer. Nothing; we were afraid to do anything.

Question. Why were you afraid?

Answer. We were afraid of the democrats.

Question. Did you not threaten him right smartly?

Answer. No, sir; we were afraid to.

Question. How many were in the Loyal League?

Answer. I don't know how many.

Question. Were all of you Loyal-Leaguers obliged to vote the republican ticket? Was that the obligation?

Answer. Yes, sir; but not without they wanted to.

Question. Could they get into your League unless they agreed to do it?

Answer. No, sir.

Question. They had to agree to do that to get in?

Answer. Yes, sir.

Question. That was to organize all of you to build up the republican party?

Answer. Yes, sir.

Question. Did you not arrange that you would not have anything to do with any black men that did not vote that ticket?

Answer. Yes, sir.

Question. You would not recognize any black men who did not vote that ticket; was that it?

Answer. Yes, sir.

Question. You drove them out of your society?

Answer. Yes, sir.

Question. You would not keep company with them?

Answer. We wouldn't proshay [appreciate] them.

Question. Proshay?

Answer. Yes; we wouldn't proshay them. We liked the white democrats better than them. We were all black alike, and think one black sheep is no better than another, and we never proshayed them.

Question. You would have beaten them if you had had the chance?

Answer. Yes, sir; but we were afraid to.

Question. A darky was as likely to Ku-Klux you as any of the other democrats, the white ones, would be?

Answer. Yes, sir.

Question. Just as liable to be with them?

Answer. Yes, sir.

Question. You were afraid if you beat the democratic negroes that they would get the white democrats after you?

Answer. Yes, sir.

Question. That was all that kept you from doing it?

Answer. Yes, sir.

Question. Was it not part of your League arrangement that these black fellows that voted the democratic ticket should be driven out?

Answer. Yes, sir.

Question. That the women should not have anything to do with them?

Answer. No, sir; that's so; even the women wouldn't proshay them.

Question. Nor the men either?

Answer. No, sir.

Question. Could a democratic negro get any countenance from a colored sweetheart if he was known to be a democrat?

Answer. No, sir.

Question. They would have nothing to do with him?

Answer. No, sir; nothing at all.

Question. The women helped you that far?

Answer. Yes, sir.

Question. They would have nothing to do with those fellows?

Answer. No, sir.

Question. And they escaped being beaten only because you were afraid that the white democrats would get after you, and the black ones would come with them?

Answer. Yes, sir.

Question. There was a right bad feeling?

Answer. Yes, sir. After they whipped me, I never rested another night until I got plumb out of the State; that is, I never rested satisfied.

Question. Where did you have the League meetings? Were they in Huntsville?

Answer. No, sir; up at Fowler's wood-yard.

Question. How many would be there?

Answer. About two hundred of us.

Question. You all met there?

Answer. Yes, sir. I did know once how many, but I don't remember; I suppose it was about two hundred.

Question. Did you all find out what colored men were going off with these democrats, and talk about them right smartly?

Answer. Yes, sir.

Question. Did you not make arrangements to have them driven away?

Answer. Yes, sir.

Question. Did not Colonel Callis use to come up there among you?

Answer. No, sir; he never came up there.

Question. Where did he keep his headquarters?

Answer. Here in Huntsville.

Question. When you had your meetings, and two hundred of you would come together, you felt pretty big, and talked about how you would shoot?

Answer. Yes, sir; we talked pretty big there.

Question. Is it not likely that some who heard what you said told some of these fellows—the Ku-Klux—that you had threatened them?

Answer. Yes, sir; that's just how the report got out.

Question. When you got in a big crowd, you boasted very heavily?

Answer. Yes, sir.

Question. Some of your fellows betrayed you, and these others got after you?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Who organized your League?

Answer. I don't remember his name.

Question. Was he a colored man?

Answer. Yes, sir. It was Dan Anderson, I think.

Question. Did you hold your meetings in day-time or at night?

Answer. At night.

Question. In a building or out of doors?

Answer. In a building.

Question. Did you exclude everybody from the building but members of the League?

Answer. Yes, sir.

Question. You had a man standing at the door, so as to admit nobody but the members?

Answer. Yes, sir.

Question. Did you have a written constitution?

Answer. No, sir.

Question. When you say that in your meetings you talked big, and boasted heavily, do you mean that you threatened violence upon white men?

Answer. No, sir. Only we made threatenings between us in this way: we said that if we were attacked by the Ku-Klux we would try to defend ourselves. We would say to one another, "If we are attacked by the Ku-Klux, we will shoot them or fight them inside of our houses." These were all the threats we made toward them.

Question. You have been asked about your obligation or oath in the Loyal League. Do you recollect what oath you took when you were admitted as a member of the Loyal League?

Answer. No, sir. I have forgotten.

Question. What was the substance of it, as near you can recollect?

Answer. I don't remember much about it, because I was quite young anyhow.

Question. Was there any obligation that required you to vote with the republican party?

Answer. Yes, sir.

Question. It was the understanding with every member of the League that every one was a republican?

Answer. Yes, sir.

Question. And that he would support the principles of the republican party?

Answer. Yes, sir.

By Mr. BECK :

Question. Was that in the oath ?

Answer. No, sir ; that was the understanding between us.

By the CHAIRMAN :

Question. Was there anything in the obligation which required you to take up arms for the defense of each other, or anything of that sort ?

Answer. No, sir.

Question. What time did you enter that League ?

Answer. I went with it 'long in the first of June.

Question. In 1868 ?

Answer. Yes, sir.

Question. Were most of the members of that League visited by the Ku-Klux ?

Answer. Yes, sir.

Question. Do you know how many they drove off, as you were driven off, so they could not vote in Madison County ?

Answer. No, sir, I don't ; but one man right in my neighborhood they run off to Stevenson. He was right there adjoining me. I heard of several going off, but I don't remember who they were. They were in the county.

Question. Were there a great many that staid away from the polls or left that part of the country in consequence of these visitations of Ku-Klux ?

Answer. Yes, sir ; I don't think the republican party got a vote in the district at all, or up there at Maysville. We all were kept away. The principal part of them—well, all—were kept away on account of being interrupted by Ku-Klux.

By Mr. BECK :

Question. Did you not all come to town here to vote ?

Answer. No, sir ; I didn't vote at all.

Question. You could vote in town ?

Answer. Yes, sir ; but we were afraid to come in to vote.

By Mr. BUCKLEY :

Question. You were afraid to pass back and forth on the road, were you ?

Answer. Yes, sir ; we were afraid of the hereafter—going home. If we voted here, some men in town would know us. That would let them in the light of it and we would be persecuted hereafter, and so we didn't vote.

Question. So most of you black people about Maysville did not vote at all ?

Answer. Yes, sir.

Question. Would most of you have voted the republican ticket ?

Answer. Yes, sir ; like men.

Question. Would they not mostly have voted for Grant and Colfax ?

Answer. Yes, sir. There are some few, but very few, democratic colored folks. There is a good many of them that vote for the democratic ticket to keep on the good side of the white people, to keep from being interfered with, but most of them didn't vote at all. When they can't vote for a republican they don't vote at all.

By the CHAIRMAN :

Question. Were the colored people that voted with the democrats, or talked of doing it, disturbed by the Ku-Klux ?

Answer. No, sir ; they were not interfered with at all.

HUNTSVILLE, ALABAMA, *October 9, 1871.*

GEORGE ROPER (colored) sworn and examined.

By the CHAIRMAN :

Question. You may state where you lived in November, 1868.

Answer. Just at that time I was living—do you mean the time they shot me ?

Question. Yes.

Answer. I was living directly opposite John Robinson's.

Question. Where is that—in what county ?

Answer. Here in town—Huntsville.

Question. You speak of having been shot ?

Answer. Yes, sir.

Question. Go on and describe to the committee when and under what circumstances you were shot.

Answer. Well, sir, I will begin and tell you all about how it came to be, and all. You know we have got some foolish colored people and some pretty wise ones. Just about as Mr. Grant was going to be elected, we were advising the colored people who

to vote for—to vote for justice and right, as we thought; and all the time that I was making a speech down in the court-house yard to them—there was a large crowd—these white men were standing off, cursing me and abusing me, and saying, "Every time that we get the colored people right, some damn nigger gets up here and spoils them all;" and from that they were hunting me and getting after me of nights.

Question. What did they mean by saying when they got the colored people right some negro would spoil them all?

Answer. We were telling them how to vote, and these men wanted them to go the way they wanted them to vote.

Question. And you were making a speech to the colored people here in the court-house yard?

Answer. Yes, sir.

Question. How much of an audience had you?

Answer. Pretty large; pretty large; and white folks all around.

Question. Listening to you?

Answer. Yes, sir.

Question. What did you tell them as to voting?

Answer. I said, you all come here to-day to hear the truth, to find out who is the best man to vote for, and I am up before you and I don't want any sinking Peter or doubting Thomas, although we all doubt, but look for the future that is coming on before you. I said, remember you are your own men, and each of you say, "I am my own man now." Every day that you lose is lost. There is nobody now to give you anything. Every day that you take sick and lie in your bed is a day lost, for there is nobody now to give you anything. Your house-rent, six or seven dollars a month, is going on and nobody to pay it for you. Your debtors are looking for the money. Now look around for yourselves, and don't allow a man to look for you. Here you go into a store to buy you a pound, or two pounds, or five pounds of sugar, and they will book against you, may be, twice the amount that you have to pay for it. Listen to that, and then go and learn your children. You are now too old to learn yourselves; you are not all of you too old, either, but you have lost the good time now. Learn your children so they can read for you and write for you, and see if these men book wrong against you. I said there was a man called Judas Iscariot, which crucified our Lord and Master, and sold him for thirty pieces of silver, and mind, now, and recollect, for if you don't mind, you will certainly be betraying your cause for ten cents—not for thirty pieces of silver—that is, betraying one another to the higher authority for ten cents. Well, when I said this, these men all looked at me and cursed. I says, my friends, I can't speak to you as I want to speak, because men is abusing me now, but when the election comes, let us go for General Grant. Well, they were looking for me all around this town, inquiring where I stood.

Question. Had you been a preacher?

Answer. No, sir; I belonged to the Baptist Church.

Question. Had you been in the habit of exhorting?

Answer. Yes, sir, and praying, and so on.

Question. Did they look up to you as a kind of leader?

Answer. Yes, sir. Now I am going to tell you how I come to be shot.

Question. That is what I want to hear.

Answer. I believe two or three nights before the election the Ku-Klux came in—

By Mr. BUCKLEY:

Question. Saturday night?

Answer. Yes, sir; Saturday night before the election there came around the court-house much of Ku-Klux.

By the CHAIRMAN:

Question. Of what?

Answer. Of Ku-Klux, with hats as long as that, [illustrating,] and running up sharp right up above the head, and they had a little whistle, that you have seen sometimes in a whip-staff or butt for whistling, and they rode around the court-house; I came right in behind them, and some one said to me, "What are you going to do with that gun you have got?" I didn't say a word, but when I got to the court-house gate I said, "Hurrah for Grant and Colfax." Here on the ground it looked to me as if there was twenty or thirty men, and they hollered, "Halt there." I stopped. The Ku-Klux had all turned the corner then, and gone down toward the market-house, and formed a line clean from that corner down to the ice-house. One man says, "What is that you said?" Says I, "Hurrah for Grant and Colfax." He says, "What is that in your hand?" Says I, "It is a gun." Says he, "What are you going to do with it?" I says, "I am not going to injure no man with it; I don't know, unless he persecutes me." He said, "Drop that." I said, "No, sir." He said, "Give that up, damn you." "No, sir," says I. He says, "God damn you," and he says, "Shoot him," and the first shot he fired, he shot me right here, [side of the head,] and turned me clean around,

and the blood run out of my eyes. I turned around quite genteel and humble, and says, "What are you shooting me for?" He says, "You didn't give up that gun." I says, "It's my gun; I have it to hunt squirrels with." Then he shot me right here in the arm.

Question. The first shot was in the side of the head, and the second in the left arm?

Answer. Yes, sir. Then I went to go across the street. There was a burnt building there. This new house was not put up then, but it had been burnt. As I went across the street opposite the court-house gate, the way there was open so that I could get across to the next street. There is two little places there now, but not so wide as then, for a new building has been put there. As I went across they said, "Damn you, stop." I looked around and saw I was surrounded. They shot at my head, and knocked me so I was deaf for three days. I was foolish deaf, but they missed me. One came up, and he put a pistol right to my face, and one jobbed me in the back with a pistol and shot it off. I have the pistol-ball now. [The witness exhibits a bullet.] I will pull off my clothes and show you in front on my breast the mark where the doctor cut it out. That bullet came in at my back, and came over my shoulder and came down here in the front in the breast. [The witness exhibits a scar.] I gave Doctor Erskine \$10 to get it out. I will show you now where they shot me in the arm. [Removing his coat, the witness showed a scar on the forearm.] You can feel the bullet here above the elbow. That was in the joint of my arm, but working with the shovel, it has got above the elbow. After they shot me, then one of the men says to the other, "Let him alone; he will not be worth shucks in five minutes." I still had my gun. I wouldn't give it up, and wouldn't fall. I went over, but caught and didn't fall. They led me by the coat-collar down to the burnt building. The foundation was up breast-high. They run me up on there. I didn't know at first what the man was going to do with me. I thought he was going to take me out. I didn't know he was going to murder me. He run me over that place and pushed me down in a hole where the bricks and rocks were to break my neck; but I grabbed the white man as he shoved me, with the gun and all, and I fell and he fell on top of me. The blood came out of my mouth, and he beat me on the head with his pistol. He beat me on the head until at last I said, "Gentlemen, I can't holler to save my life, but somebody will come and take you." As he raised his pistol to kill me, I raised my hand and caught it out of his hand, and jerked it under me as quick as thought. I was lying down with my breeches full of blood, and helpless. He says, "Where's that gun? Give me that gun;" and he pulled it out of my hand. I says, "You may take that gun, sir, but I will get it again." He says, "Yes, God damn you; if you are not dead when I come back, I will kill you." I laid there on the flat of my back when he was gone. My left arm was now shot and I couldn't even fetch it around. I got up by degrees with the right hand; I bent half up and then I fell flat down on my face; and then I prayed to the Lord to help me, and the Lord, it looked like, answered my prayers right there, and I got up again and dragged along until I got to the house close to the market-house. I had the pistol still. I had poked it down right in between the coat and the shirt under me. When I got in there, with the blood coming out of my mouth, I says to the man, "Take charge of this pistol until I call for it. Don't give it to anybody." In a short time a man comes in and says, "George, where's your pistol?" I couldn't talk, but some one said, "Lord, how bloody that man is;" and he run out of the door. These men had their horses here in town. They took off their masks and left them where they had their horses; but these others were in line of battle, waiting to be called for. By that time the soldiers were coming. The company was down toward Whitesburgh. The soldiers came in and caught these men with their horses, and put them in the calaboose, and while they were there some men of the town went in there and turned them all out. That is the truth, before God. I wouldn't tell a lie for nothing, for I refused my hat full of money to vote on the other side.

Question. Did you know any of these men who fired on you?

Answer. I know one of the men, sir; and that is a man by the name of Cox, who used to keep a saddler-shop in this town. He was the first man that hailed me at the court-house gate. He was a captain—we called him Captain Cox—what he was over I couldn't tell.

Question. Had he any disguise on?

Answer. No, sir; he was the man that halted me.

Question. Had any of these men around you disguises?

Answer. No, sir; they had taken them off. The men had their horses down by the market-house; and they had formed line of battle, and when the soldiers caught these men and shut them up, the men here in town turned them out and gave them their horses again.

Question. How long were you laid up with your wounds?

Answer. One month, solid, before I got off my back; I couldn't lay on either side or I would die. I had to lie flat on the back all the time, and I had one man bathing my head.

Question. Were there many colored people Ku-Kluxed that fall of 1868?

Answer. Yes, sir; just before the election, when the speaking was here for the election.

Question. How many colored men were Ku-Kluxed, so far as you have been informed; how many were visited or maltreated by the Ku-Klux that fall?

Answer. I couldn't tell you, but a great many. I couldn't tell you how many.

Question. Did you hear of many cases?

Answer. Yes, sir; a great many. While they were speaking here, out at Mr. Horton's, they were shooting at the people and they were running across the field. Mr. Horton's people will tell you that now.

Question. What do you know of the Ku-Klux taking the colored people's arms?

Answer. I forgot to tell you they got my gun too.

Question. Did you never get it back?

Answer. No, sir.

Question. Do you know who took it from you?

Answer. No, sir.

Question. What was the custom that year as to the Ku-Klux taking from the colored people their arms of defense?

Answer. Well, they took a great many arms from the colored people; pistols, and guns, and I don't know what. They told me, "You were a colored soldier?" I said, "I was a soldier, and don't deny my name."

Question. Had you been in the Union Army?

Answer. Yes, sir; the Forty-fourth Colored Infantry; Colonel Johnson was the colonel.

Question. How long were you in the Union service?

Answer. Pretty near three years.

Question. Was that generally known here among the democrats?

Answer. Yes, sir; it was generally known.

Question. Did they ever throw it up to you or blame you for being in the Union Army?

Answer. Not before that night, sir.

Question. What did they say that night?

Answer. This man says to me, "You were a colored soldier; you was a man that fought against your master." I said, "Yes, sir; I was in the Union Army, and fought for my liberty. I was called and I went."

Question. Have you been living here ever since?

Answer. I have been living here ever since I was mustered out of the service at Nashville, a little over six years.

By Mr. BUCKLEY:

Question. You spoke about making a speech here at the court-house steps?

Answer. Yes, sir.

Question. Was it after the speech that you got your gun?

Answer. Yes, sir.

Question. Did you come to the meeting first with your gun?

Answer. No, sir. The Ku-Klux sent word in that they were coming here on Saturday night to kill all the colored people and radical white men. The news came in here, right here in this court-room. I was sitting right before this stand, and the man was speaking. I said, "If they come and catch us all here they will kill us." I told the people that, right here. In the mean time they came running up the steps and said the Ku-Klux was coming, and caught one colored man and scared him nearly to death. They were coming over Pinhook Bridge. A little more and another man said, "You had better stop; the Ku-Klux is coming," and every man went to get a gun to defend himself, and I went for my gun.

Question. You did not go for your gun until the Ku-Klux rode into the town?

Answer. No, sir.

Question. And then you went home to get your gun?

Answer. Yes, sir.

Question. As you returned you saw the Ku-Klux all about the square?

Answer. When I returned I came around by the tavern, northwest. The Ku-Klux were over here at the southeast, and I waited until the last end came to pass, and a few more was riding behind, like a rear-guard, and he says, [the witness imitating a thin, or treble, disguised voice,] "What are you going to do with that gun?"

Question. Did the colored people who were here that Saturday have their arms before they heard or saw the Ku-Klux?

Answer. They might have had them, but I never saw them until that night.

Question. You did not go for your gun until you had seen them—until it was reported that they were coming to break up the meeting?

Answer. Yes, sir; that is true before God.

Question. You spoke of some white people on the outside of the crowd that you were talking to?

Answer. Yes, sir; while I was talking to the colored people they made a disturbance.

Question. They made a disturbance so you could not go on?

Answer. No, sir. They said, "Damn him; every time we have the niggers all right here some one comes here and spoils them."

Question. When the meeting was held here and the speaking going on, there were white men standing around the crowd who did not come to the speaking, did they?

Answer. They came to hear what was going on.

Question. Did you hear any firing of guns or pistols until you were shot here at the corner?

Answer. No, sir; none before that; none before they shot me. I do believe in my own soul I was the first one they opened fire on. Right then, after they opened fire on me, a black man was running across, to get out of the way, to the mayor's office, right across the street, and they shot him in the back, dead.

Question. These Ku-Klux down on the square and by the market did not do any firing?

Answer. No, sir; not those with the masks on.

Question. The men that did not have the masks on did the firing?

Answer. Yes, sir.

Question. Had they taken off their masks?

Answer. Yes, sir; that is it. They had got off their horses and taken off their masks.

Question. They had dismounted, and were about the court-house and about the streets?

Answer. Yes, sir; and one of them was the man who was murdering me, and at the time somebody shot this Cox he hollered out, "Cease firing, boys; I am shot." Then the Ku-Klux went out of town. These men went for their horses, and the soldiers stopped them at the market-house.

Question. How many did the soldiers arrest that night?

Answer. I think it was three. Their horses were found in the stable. They were on the horses, and they took the horses away from them, and they put them in the calaboose, and some people in the town turned them out.

Question. This happened on the Saturday night before General Grant's election?

Answer. Yes, sir.

Question. Where is this Mr. Cox now?

Answer. He has gone away from here. They had him up on security to stand. He stood two courts, but last May he went away, and when court came on he couldn't be found, and I am here.

Question. Were any of the colored people killed that night?

Answer. One was.

Question. Was Cox the only white man wounded?

Answer. The only one wounded, and Mr. Thurlow, of Limestone.

By the CHAIRMAN:

Question. Judge Thurlow?

Answer. Yes, sir. He was shot here, below the stomach, and died.

By Mr. BUCKLEY:

Question. Who was presiding over the meeting before the disturbance?

Answer. Before the disturbance we went down to Mr. Joseph Bradley and a man named George Williams, and Mr. Bradley said he was crippled and couldn't come down to attend. He was president of the meeting in the day-time.

Question. You had had a meeting in the day-time?

Answer. Yes, sir; and one at night. I couldn't tell who was president that night. When the interruption came up everything went out of my mind.

[Pending the further examination of this witness the committee adjourned until tomorrow, Tuesday, October 10, 1871, at 9 o'clock, when the committee having reassembled, the examination of George Roper was resumed, as follows:]

By Mr. BECK:

Question. George, I understood you to say last evening, on direct examination, that you were one of the men making speeches here on the Saturday evening of the riot?

Answer. I didn't make speeches on that Saturday evening, but before that, at the time General Callis and Captain Applegate were running for Congress; that is the time I was making speeches. The time when the general speeches were made here I was listening.

Question. Did you not say you were making speeches in the court-house the evening that the riot took place?

Answer. No, sir; not that night. I said I was making speeches here, and the people owed me a grudge for the speech I made to the colored people outside of the court-house.

Question. That speech had been made nearly a year before?

Answer. It was made just before General Callis was elected.

Question. Was he not elected in February, 1868, in the early part of the year?

Answer. Well, sir, I could not recollect.

Question. At the time the constitution of Alabama was voted on?

Answer. Yes, sir; that is the time I made the speech.

Question. Was not Grant's election in November, 1868?

Answer. Yes, sir; and that is the time I came and listened.

Question. You did not make a speech that day?

Answer. No, sir.

Question. Nor that night?

Answer. No, sir.

Question. Who was it offered you your hat full of money to vote the democratic ticket?

Answer. Nobody. I told the boys around: "Boys, have good principles; hold your head upright, for if I was offered to-day my hat full of money for my principle I would not sell it."

Question. You said: "I wouldn't tell a lie for nothing, for I refused my hat full of money to vote on the other side." Why did you make that statement yesterday?

Answer. Well, sir, you misunderstood me fairly. I said to the colored people that I wouldn't take my hat full of money—I refused my hat full of money—for my principles. That is what I say. You misunderstood me entirely, and misunderstood me so far as to say I made a speech up here in the court-room. I was speaking outside the day General Callis and Mr. Applegate was running, and then I said: "Hold up your head, for I wouldn't take it, and I refused my hat full of money for my principles;" but no man offered me that.

Question. Can you read or write?

Answer. No, sir.

Question. How do you get your information sufficient to be a political teacher?

Answer. Well, sir, from going and seeking to God for what little wisdom I have—mother's wisdom. I have got no learning. I haven't learning as much as a school-boy; but seeking to God night and day for what little I has got, and I wouldn't tell you nor no man a lie, for I have been tried; and the reason I said so was because the boys were doubtful, and didn't know what way they were going; and that is the time my mother's wisdom came in and I said: "Boys, come here and vote the ticket right, for this morning I wouldn't take my hat full of money for my principles."

Question. Being unable to read or write, and having none of the ordinary sources of obtaining information, you looked to the Lord for it and got it?

Answer. Yes, sir.

Question. The Lord heard your prayers?

Answer. Yes, sir. I can tell you where He fetched me.

Question. Where?

Answer. He fetched me from hell's dark door to the marvelous light, so that things I thought in sinful days, when I came to the light of God I said all that is fallen back of me, and now I start myself right before everybody.

Question. Do you know any other cases of colored people in this land where the Lord has instilled political knowledge into them?

Answer. Yes, sir. Many has come through the way, and some of them said the Lord sent them to preach the Gospel, but they can't read or write.

Question. I can understand how He interferes with preaching, but what object do you think He had in interfering with politics, and filling your mind with political wisdom?

Answer. Because why? I fought for my liberty, and have been all through the Army. And what did my captain and colonel tell me: "George," he said, "the day you are turned of service be right, be pure to God, and just to all men. Hold up your head. Touch not and handle nothing of the unclean thing."

Question. Do you not think Colonel Callis was the Lord that put the political wisdom in your head?

Answer. No, sir, I don't think that Colonel Callis did; but mostly I was with Colonel Johnson, that fought our Army.

Question. Whatever you know outside of what the Lord gave you, you picked up from other people's talk?

Answer. Not much from other people, because they can't learn me?

Question. You cannot read or write?

Answer. But the pureness of heart must come from God.

Question. Other people may tell you something. George, what I want to get at is, when you were making speeches to your colored brethren touching the politics of the country, telling them how to vote, and the rules upon which they ought to act, you being unable to read and write yourself, and having none of the ordinary means of information, how could you get political information except from Colonel Callis and people like him?

Answer. Colonel Callis never spoke to me about that.

Question. You got it from conversation or spiritual influence, which was it?

Answer. In regard to what I know as much as I do, I can speak proper, because I am a half Indian anyhow and African too. I was following my master all along, and he was a great lawyer; but I remember one word he told me; that word will carry me a long ways. He says, "A man can get into a good deal of difficulty if he sees the point of coming out; but if he don't see the point of coming out, he ought not to go into none," and he says, "George, follow me; look and study yourself, and learn in case you shall want to be in some difficulty how this will come out." From going along through court and all, I learned a heap; by coming to court with him, I learned a heap of suggestions for a man to carry himself upright in the world before men.

Question. Do you know that all the testimony you gave yesterday as to the time you were shot was of the time of the riot here on the Saturday night before Grant's election?

Answer. It was.

Question. That all occurred in this town and around the square of the court-house, where we are sitting?

Answer. Yes, sir.

Question. All the shooting that took place was here by the court-house?

Answer. Yes, sir; right out there by the north gate.

Question. Was not the court-house full of people?

Answer. Yes, sir.

Question. And the yard too?

Answer. No, sir; not the yard, but the court-room was full until the alarm came that the Ku-Klux were coming, and the word was that they were at Pinhook bridge. I was then sitting in this court-room about where you sit, and—

Question. Never mind that; you will have a chance to tell it all.

Answer. When the alarm came they came to the door and said, "The Ku-Klux are coming." It was a strange white man that was speaking on the stand; who, I can't tell; and then there came another word that "the Ku-Klux is coming," and the man was still speaking on, and the folks were going out one by one, and at length the last word came, "You had better leave, the Ku-Klux is now in town;" then I got right up over there, and said to the speaker, "Don't speak no more, because we can't stay. The Ku-Klux is coming, and maybe might interrupt as they said"—that is, the Ku-Klux said. I immediately went down stairs, and then all broke up and rushed down the stairs to the place, and we got in the court-house yard, and by that time they were going by Mr. Ezell's, and I went up this lane and—

Question. I do not ask for all that history. The question is, if the court-house was not full of people; was there not a large number in it?

Answer. Yes, sir; right smart; but when the Ku-Klux came, a pretty smart share was getting out of it.

Question. Were not the citizens from all around the town here?

Answer. Yes, sir.

Question. White and black?

Answer. Yes, sir.

Question. At least to the number of one thousand or fifteen hundred people?

Answer. A right smart; I don't know how many.

Question. It was a great crowd?

Answer. Yes, sir.

Question. Was not that matter relative to the riot that night and the shooting all investigated by General Ruger, and the testimony all taken down?

Answer. Well, sir, by speaking, I don't know that of the ordinary speech.

Question. Did not General Ruger investigate the whole of that trouble here that night? Did you not hear that, at least?

Answer. I can't tell, for I was shot so bad I was lying down on my back then.

Question. You know Judge Haralson to be a republican?

Answer. Yes, sir.

Question. Did not Judge Haralson investigate the whole matter and have it tried before the grand jury, and did they not find a large number of indictments before the grand jury, and indict you along with the others?

Answer. Yes, sir.

Question. Did you not employ Mr. Lowe and Mr. Richardson to defend you?

Answer. No, sir.

Question. Who did you employ?

Answer. I went to them, and Mr. Lowe asked me so much money I hadn't it to pay to him. Understand me right, I hadn't the money. I told him, "No, sir; I haven't the money." I says, "I will give it up to the hands of the judge, and let him put somebody to plead the case," and immediately after that I went to see Mr. Humphries, that is now at Washington City.

Question. Judge Humphries?

Answer. Yes, sir. I said "Judge, I havn't but very small money; none at all; but if you will be a lawyer for me and take my case in your hand, I will pay you what I have and work the balance out." The judge told me, "Yes, George, I will take it in hand," and when they came in here and I came to court, they put it off.

Question. Judge Humphries was your lawyer?

Answer. Yes, sir.

Question. You spoke to these gentlemen first, and Judge Humphries was then your counsel?

Answer. Yes, sir.

Question. Were you not indicted for the murder of Judge Thurlow?

Answer. No, sir.

Question. What was the indictment against you for?

Answer. The indictment was against me because I had a gun in my hand.

Question. Were you not indicted for shooting?

Answer. I didn't shoot anybody.

Question. Did you not shoot at Cox?

Answer. No, sir.

Question. Did you not rather brag how you were the man that shot Cox?

Answer. No, sir; I didn't.

Question. Never?

Answer. No, sir.

Question. The case, however, you think, was investigated by the military?

Answer. Yes, sir.

Question. And then the grand jury investigated it?

Answer. Yes, sir.

Question. They found indictments, and one against you along with the others?

Answer. Yes, sir.

Question. And Judge Haralson had it before his court?

Answer. Yes, sir.

Question. And on the day it occurred large numbers of citizens, white and black, republicans and democrats, were all around the court-house square and saw it?

Answer. They were around here.

Question. They could see it?

Answer. Yes, sir.

Question. Do you understand why you, a person unable to read and write, and indicted as you were, should be selected here now after all that investigation, in preference to everybody else to tell this committee what occurred on that night?

Answer. No, sir; I can't read or write.

Question. Do you know any reason why you should be selected to inform Congress and the country in relation to that affair, in preference to all the intelligent men of this community?

Answer. To tell the truth about it.

Question. Do you know why you should be selected in preference to everybody else?

Answer. Well, sir, you are rather high on that; selected how?

Question. Why you were selected or chosen to come here and enlighten Congress and the people on that riot?

Answer. Because I think it stands in need of every man, even you, if you have a child, and you see he is not going right, to correct him to do right; and just the same if the people is not right, and I know a little more than they do, I tell them.

Question. You think you know a little more than other people?

Answer. No, sir; I know a little more of our race, and many of them don't know nothing. It is no more than any gentleman would do, seeing a child in the streets, and not knowing its way, would go and tell it.

Question. Was not Mr. Figures here, the editor of your paper, who might have been called?

Answer. Yes, sir.

Question. Was not Colonel Nicholas Davis here present at the meeting on that day?

Answer. Yes, sir, Nick Davis is here.

Question. Was not a large number of very intelligent republicans present at that meeting—white men?

Answer. Yes, sir.

Question. Men who could read and write, and advise themselves from the sources of information from which you were cut off?

Answer. Yes, sir.

Question. Do you think you know as much, or half as much, as they do?

Answer. No, sir, I don't know half as much about some things.

Question. On the subject of that riot?

Answer. No, sir; but I know so much as this; that when I was telling these colored people, I thought it was my duty to tell the colored people the right from the wrong. Why, sir, just look. You talk to me of that; look at last year, how the people was

suffocated here. Everything in the world that some of them had was brought here to the court-house door; even the corn and the piece of meat was taken from them and brought up and sold. Men in the store took everything from them on the lien of the crop, and all through Alabama the colored men were broken up. Men's goods were taken and sold that had steers, and cows, and horses, and hogs, and little wagons, and big wagons, and mules—all were rolled up here and sold; and that was done since peace and the election. Everything was bought, and they were turned off to the ground again. Then, shall I tell the people to go along, if I have a little more sense than they have?

Question. You say this man grappled with you?

Answer. Yes, sir, and shot me in the head.

Question. That was at the court-house gate?

Answer. Yes, sir, as I came into the court-house gate with my gun in my hand.

Question. Was he disguised?

Answer. No, sir. They called him Captain Cox.

Question. Was any man disguised in the court-house yard?

Answer. No, sir; all outside.

Question. Were there any men on horseback, of all the disguised men, who fired a gun, so far as you saw?

Answer. No, sir; because I was so much engaged with fear; and they were trying to kill me, hollering, "Kill him, kill him, kill him!" and I had to look at that man, and beg him not to kill me.

Question. The men who were firing in the court-house yard, and about the streets, were men who had no disguises on?

Answer. Those that fired on me had none on.

Question. Did anybody that you saw fire have a disguise on?

Answer. No, sir.

Question. Then, why did you call them Ku-Klux that did the firing?

Answer. Because it was one of them that was beating me. The last man that took me—I didn't fall dead at the shot, but they took me down to the lower edge of the Donnegan Block that was burned then, and chucked me down in a hole, and I caught hold of him, and he fell on me, and I was bleeding like unto death; and I says, "I can't hollo; you are murdering me." I says, "You shot me enough, and I am bound to die." He says, "Yes, God damn you, give me that gun." I says, "No, I am bound to die right now; let my gun lie by me."

Question. You have told that.

Answer. But you asked me, and I am obliged to come out that way, because I can't lie. I says, "Look over there; somebody will come in and catch you directly." He looked over, and he kept beating me with his pistol. I knocked it out of his hand with my fist, and then put it under me; and he says, "Where's my pistol, God damn you?" I says, "Your pistol must have fallen over on the bricks." I said, "Let me alone, for you are beating me up here, and murdering me; I can't hollo to save my life." He jumped up and snatched my gun from me. I says, "Look here—"

Question. You have told all that, and if you will agree not to go over all that narrative again, I will agree not to ask you another question.

Answer. I am going to tell it all over, because I tell you I was treated shameful, as you see. But you asked me about it, and I am one of those men that comes right out. Go through the town and ask here. I am one of those men, as sure as you are born. I tell you, as sure as God is over my head, I am not afraid of any but Him in the world—

By the CHAIRMAN:

Question. Were you acquitted or convicted on that indictment?

Answer. I left it to the gentlemen here in the house.

Question. Were you cleared?

Answer. Yes, sir, I thought so.

HUNTSVILLE, ALABAMA, October 10, 1871.

LEONARD L. WEIR sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Limestone County.

Question. How long have you lived there?

Answer. About eighteen years.

Question. What office do you hold?

Answer. Justice of the peace.

Question. How long have you held that office?

Answer. I received the appointment under the provisional government—Governor Parsons. I don't think there has been any election since, and I am holding it now under the appointment of Governor Smith.

Question. When were you first appointed justice of the peace?

Answer. In 1865.

Question. Are you a native of a northern or a southern State?

Answer. Tennessee; a southern State.

Question. I will ask you to state now the particulars of the outrages said to have been committed upon your person, and to commence with the first one.

Answer. Well, sir, on the 31st day of March last I was attacked and tied by a party of eight men, and taken out at Basham's shop. I was taken to the woods, and stripped and whipped.

Question. Were the men disguised?

Answer. No, sir; these men were not disguised.

Question. Did you know them?

Answer. Yes, sir.

Question. Please give their names.

Answer. Samuel Moore, Frank L. Gibson, William S. Blair, James Bradford, Pink Johnson; (he goes by that name; I don't know whether his name is Pinkney rightly, or not. I think it is stated before the court Pink or Pinkney;) Budd Harlan—he was a stranger to me; he had not been in the neighborhood more than two or three weeks—James Kelley.

By Mr. BECK:

Question. Was he colored?

Answer. Yes, sir.

Question. Please designate the colored ones.

Answer. Lewis Bradford—

Question. Colored?

Answer. Yes, sir; that makes eight, I believe.

Question. Which were colored?

Answer. Kelley and Bradford.

Question. Were there not three colored men?

Answer. No, sir; six white men and two colored.

By the CHAIRMAN:

Question. Proceed with your narrative.

Answer. Well, after the whipping was over, they gave me my orders; first, that if I ever divulged the secret of their whipping me, or gave their names, they would kill me.

By Mr. BUCKLEY:

Question. What did they whip you with? State the whipping a little more particularly.

Answer. Well, they whipped me with hickories from three and a half to four feet long, down to, I suppose, two feet; some of them were three-quarters of an inch in diameter at the butt. Toward the last there was one of them—this man Blair—he had prepared his whip some time before I was tied—twisted hickory withes—and he whipped me with that, with the limber end—the tip-end of it. But he turned the butt of it then, toward the last. Harlan had a straight hickory switch, not less than three and a half feet long, with three prongs fifteen or eighteen inches long at the tip of it. It was about three-quarters of an inch in diameter at the butt, and he used the butt of that on me toward the last. The whipping amounted to this: they made the negroes whip me first; they whipped very lightly and reluctantly, and begged the white men to release them from it; that it seemed to be an unpleasant task; that it was not right; but the white men would order them to whip, and whip harder. Then they would strike harder for a few licks, and then ease up. They seemed to get enraged then, and they dismissed the negroes from the whipping, and they let in. There were from three to five, as I could get my head around to see how many were whipping. I could not tell the licks that were coming, but there were several at it; there were three to five at one time struck me. The small part of my back, and my hips, were beaten; the hide was not broken, but beaten so it bled a little, thickened, jellied, and bruised; thickened up as thick as my hand, so I could not sit down easily for three weeks.

By the CHAIRMAN:

Question. About how many strokes were made?

Answer. I would say not less than three hundred, but I kept no count. I do not wish to exaggerate it.

Question. How long did this whipping continue?

Answer. That is a pretty hard question to answer, under the circumstances; but not less than three-quarters of an hour.

Question. Did all the white men take a hand at it?

Answer. No, sir; this man Moore seemed to be the commander of the concern. He stood off some four or five or maybe six feet. I could see his position, standing there. He didn't say anything except when they first commenced. I asked them not to strip me, and he remarked, "Those clothes have never done any harm. We don't want to hurt them."

Question. Moore did not whip you himself?

Answer. No, sir.

Question. Did all the remaining white men?

Answer. Yes, sir, all the remaining white men took a hand, first and last.

Question. What did they do with you after you were whipped?

Answer. The first order they gave me was, that if I told on them, if I said anything about it to expose them, that they would kill me; and one party, I think it was Johnson, said, "Yes, we will hang you next time. I was looking at a very suitable tree as we came along." Bradford remarked, "No, squire, don't you say anything about it." Says he, "I know more than you do." That was the first order, the killing. The next was, that I had to appear at the next circuit court to give evidence against certain parties that were in jail, the Wisdoms. I told them I appeared there four or five days at a former trial, and had never been called upon as a witness, and had given bond and been discharged by the commissioners, and that I knew nothing of the case. Gibson said, "By God, we know better. You do know, and you have got to tell it." That was all of that order.

Question. What prosecution did they refer to where you had been recognized as a witness?

Answer. They referred to some men taken up by Gibson and others, about twelve months ago, and put in jail, charged with wearing disguises.

Question. Had you been subpoenaed as a witness for the State in that case?

Answer. Yes, sir. I attended four days before the judge of our county court. I was not called then as a witness. Mr. Coleman, who is here in town now, was assistant in the prosecution, and he didn't deem my evidence important at all, and I was not called upon. I then gave bond for my appearance before the grand jury.

Question. And this man was afraid you would appear as a witness in that case?

Answer. He wanted me to appear and give evidence against them. I had plead all the time that I knew nothing, and had never seen them, which I was ready to swear then and now, and that I never saw that party, nor either of the parties who were accused, for six weeks prior to the time they were reported to be going in disguise; I was ignorant of that.

Question. Why was he anxious that you should appear as a witness in that case?

Answer. I don't know any other cause except that one of the Wisdoms had boarded at my house about two months prior to that time. We were friendly as men could be, and, to go into a little private matter, it was thought that Mr. Wisdom and a daughter of mine would marry, and they had taken it for granted from these circumstances that I knew all or something of these men's secret movements. I don't know any other cause, but that was spoken of as a rumor in the neighborhood, or by these parties.

Question. I want to know the nature of that prosecution, and why they were anxious that you should appear against them as a witness.

Answer. They had, from report, been riding around—well, I will have to go back of that for some two or three months; yes, I will have to go back further than that—

Question. I will not press that question.

By Mr. BECK:

Question. You need not go back so far; just go on.

By the CHAIRMAN:

Question. You were telling of the second order they gave you; proceed.

Answer. The next order or condition they put upon me was, that they would hold me responsible for any devilment or mischief that should be done in that neighborhood after that time. These were all the conditions that they put on me. Under these conditions, knowing the character of the men as well as I did, I didn't feel safe in staying at or about home, and I left my home, and left the county. I remained absent for two months, and during that time the people had taken hold of this thing and inquired. It had got public, and the officers and others about Athens took the matter in hand, and had my daughter taken to Athens, and she laid in complaint, and the prosecution commenced.

Question. Before you come to that, you may go back and state what was the cause these men alleged at the time they were whipping you.

Answer. The cause against me started in this way; I had been at work for this

William S. Blair for some time, and he had failed to come up to his contract. I was working for corn on a special contract. I was to have a certain amount of corn in the way of my work.

Question. What was your trade?

Answer. Carpenter. He kept dilly-dallying about it, and put me off from time to time until I became fretted and mad about it, and gave him some pretty sharp words about it on several occasions. Meantime, he and this man, Sam Moore, were running a distillery. I had got through with his work, and I began to work in the shop, stocking plows and so on, and a good many customers at the shop; there is a blacksmith shop carried on in connection with my wood-work. The blacksmith was a drinking man, and I was in the habit at that time of indulging myself to some extent. Friends would come in and I must treat around, and I could get whisky or brandy whenever I wanted it. They promised to pay me, and would pay me in that way. I saw that this was consuming my labor, and nothing was coming in. I told my wife then that I wanted her to go to Moore and Blair, and forbid them selling me any whisky. She had the right to do that, and I told her to do it. I told her I wanted to get out of that thing. She did so. This man Basham, that was carrying on the shop, took pretty serious exception to that thing, and made some remarks that were unpleasant, and he and I had a falling out. Meantime, Moore and Blair were mad, and kept getting worse, and I finally quit working for them at all. They would keep bringing work to the shop—wagons; they had wagons; each, I think had a wagon at the shop for me to repair. I would not touch them. I just came out square, and told them I would not work for Moore and Blair any more, but finally I did help Basham repair one wagon, but I worked for Basham. About the time that it was finished Basham and myself had a worse falling out, and I moved my tools out of the shop, and moved them up home, and got entirely out of the shebang, and went on with my work there, and was up there two weeks before the commencement of that difficulty. I was at home about two weeks before that. About one week before this abuse took place there was a friend of mine—a neighbor—who came to me one evening, and said, "Squire, they have got some pretty serious charges against you, and if I was in your place I would leave the country." I said, "I shall do no such thing. What are the charges?" He up and told me they were circulating the report that I had tried to induce a negro that worked for Blair and Moore to take a couple of mules and leave the country, and some other things of a scandalous nature, but not so bad as that. I said, "It is a lie, and you know it is false, and I am not going to leave; they can't saddle such a thing on me. If I go away, they will have the thing just as they want it." He insisted that I should leave or I would suffer. I did not ask him in what way, but I went right straight to investigating the matter. I went to old Doctor Blair, the father of Bill Blair, and asked him what he had heard about it. It should have emanated from or through him in some way. He had not heard anything of the stealing, or my wanting the negro to take the mules and go with me anywhere, but that I had merely met the negro somewhere on the road to mill, and told him to leave the team and quit working for Bill Blair; to go along home where he belonged. Says I, "It is false; I have never seen that negro on the road at all. I have never seen anything of him. I don't scarcely know him. I have seen him a few times about the shop with his wagon." I went then to Moore. He gave out that it had come through Sam Moore to him. I went to Moore's house; he was not at home. I left that house and came back to Blair's, and called out William S. Blair to the front porch, and asked him about it. The simple charge was that I was meddling with all the negroes in the country, trying to get them to leave their employment; "and," says he, "it is the prevailing trait of your radicalism." Says I, "It is an infernal lie, and if you repeat that again, I will give you radicalism right here." Well, we had some pretty short words there, and finally cooled down, and I told him, "So far as these negroes are concerned, or anything of the sort, I told Jimmy Kelley when he was complaining at the shop that he could not get to work, that you were not furnishing the team according to contract—I told him he was a fool to stay with you; that he could not make anything; that nobody else ever did make anything working about Blair, and I told him the evidence of it, and referred him to some others." As to this Bedford negro, he came in with some complaint one evening in the shop, when I was at work, but I told him to go along home. He told me where he lived. I told him to go home, if he could do better than he could here. Says I, "You can get nothing from Bill Blair for working, unless you have better luck than I have had." I had made the same remark to this fellow Harlan, and to a man named Hardy Ferguson.

By Mr. BUCKLEY:

Question. Were they in Blair's employ?

Answer. Yes, sir. Well, Ferguson had complained to me several times that he had worked up a month and his family was sick, and he was sick most of the time, and he could not get even meat or bread from Blair for his family.

By the CHAIRMAN:

Question. Were these two negroes you gave this advice the same negroes afterward concerned in whipping you?

Answer. Yes, sir.

Question. They belonged to Blair or Bedford, or worked for them?

Answer. They were working for Blair and Moore. One was named Bedford and the other named Kelley. When they met on this evening that I was abused, they introduced these negroes as witnesses. They brought up the whole charge of the stealing; of my trying to induce the negro to steal the mule, and when they got through, I was asked if I acknowledged or denied it. I said, "I did neither." Says I, "I will dissect the thing, and take what truth there is of it, and the falsehood I will throw aside. What I am guilty of, I am ready to face you in." "No," the reply was, "you must acknowledge it all or deny all." I says, "I can't do either. I will not deny it all or acknowledge all," but I had to do one or the other. I began to suspect that there was trouble ahead, and saw that I had to do some management as best I could. I would waive the matter, and put it all off and try to reason. They, in the meantime, would take the negroes off and consult them and drill them awhile, and back they would come with the thing rather modified. I still would not come to the proposition. They stuck to theirs; I stuck to mine. Finally, I took Sam Moore to one side, and made this remark: "Moore, you have got this thing packed up, and there is no use in my saying anything here in this crowd; of course everybody here now believes I am guilty, and the whole of it is nothing but the personal matter between you and Bill Blair and myself, and if you consider that I have injured you, I am ready to make acknowledgment like a gentleman, and if that will not do, I am ready to take it out with either one of you single-handed."

Question. At this point, tell the committee how you come to meet this crowd.

Answer. I met this crowd in answer to a note which is on file in the court of Limestone County, received from Frank L. Gibson, brought to me by a man named Stephen Follis. The note, I think, read in about these words:

"L. L. WEIR, Esq.:

"SIR: We want to see you on particular purposes at the shop this evening.

"F. L. GIBSON.

"MARCH 31, 1871."

Question. Was it signed by Gibson alone?

Answer. Yes, sir. I responded to that note. When I got there and asked the business, he wanted me, or pretended that he wanted me, to make him a wagon-bed the next day. This occurred on Friday, and the next day was Saturday. Says I, "If you will bring the plank up to my shop, at home, I can make it." Says he, "Can't you make it here?" I says, "I reckon not; I have moved my tools out of Basham's shop here, and unless you get the use of the bench from him, I would rather not do it. I would rather not work here any way." He named it to Basham, and asked him if he would let me work in the wagon-shop while he was busy. At that Basham flew off on the old fuss between us, and reared around heavy. I didn't want to have any difficulty there for two reasons: first was the crowd there, and the fact that there were marriage relations between Basham's family and mine. His son had married my daughter, and I thought it was no credit for me and him to quarrel.

Question. Were all these men there when you responded to that note and went to see Gibson?

Answer. No; this man Johnson came after I got there. Moore and the negroes came over after I got there, but I have learned subsequently that they had been at the shop before I got there, and had only gone off a little way.

Question. Did you go to Gibson's house?

Answer. No, sir; to Basham's shop.

Question. Did he really want a wagon-bed made, or was it a pretext?

Answer. I think it was a pretext. I heard nothing more of the wagon-bed.

Question. Resume your narrative at the point you left off, when you were called aside and talked with Moore.

Answer. When I spoke, as I said, that I was ready to make acknowledgments, he said he thought that ought to be granted; that he was ready to do anything right as a Christian. Well, when he mentioned the name Christian, it caused me to rather hang my head.

Question. Was he a member of the church?

Answer. No, sir, not that I know of; at least his practices didn't indicate anything of the sort. He went back to the crowd, and left me sitting where we had been talking. We had talked, I suppose, five minutes; may be longer. He went back to the crowd, and he told me he would see; he would talk to the other members. I was called up to the crowd, and they commenced on the old charge. It did not seem that he had said anything on that point. They commenced where they had left off—to know whether I would acknowledge or deny. Right at about that juncture Bill Blair appeared with that twisted withe in his hand. That gave me some alarm, but we battered the thing around, and talked about it a few minutes, and a man named McGregor, who was at the shop, came to me—he got a chance to get a little privately

to me from the others—and he says, “My mule is tied down there the other side of the shop; I have loosened the rein over the”—whatever it was she was hitched to—“and,” says he, “you go to her and get away from here, or you are going to suffer in the flesh.” I was well acquainted with him, and addressed him familiarly; says I, “Mack, I would not leave here to save every one of their lives. I am satisfied I am going to suffer; that is what they want. They want to convict me and have things their own way, and I will die here but I will see it out here.”

Question. I understand, then, that the charges they preferred against you were not true?

Answer. Not true any further than I have stated here. They were wholly untrue. There is not a man of my acquaintance in Limestone County, that is not prejudiced, who believes it. The enemies didn't believe it. I think I can prove it by one of these negroes. He has acknowledged since that these tales were fixed up by Gibson and Bill Blair, and he was forced to tell them.

Question. Was it at the conclusion of the whipping that Blair made the remark to you that it was the prevailing trait of your radicalism to interfere with negroes?

Answer. That was at a private interview between Blair and me.

Question. After you had been whipped?

Answer. No, sir; a week before. That was at the time I had started around to investigate how they had started the tale on me of this stealing. I wanted to get at the bottom of it.

Question. Were you a republican then?

Answer. Yes, sir. I was a Union man during the war, and a republican since; nicknamed or generally called a radical, a name which was not in very good repute in my neighborhood. I will state further, in my district there is a voting strength, I think, of one hundred and thirty now for the last two years, and I am the only man that votes that ticket at that box.

Question. What were the politics of Moore, Gibson, Blair, Bradford, Johnson, and Harlan, the white men?

Answer. They claimed to be democrats, or gloried in the name of rebel. They belonged to the democratic party.

Question. During the time you were being whipped, was anything said about your politics?

Answer. Johnson remarked this, “We will give you negro equality.” I will state here what I don't believe I have stated yet; that they made the negro Kelley tie me. He approached me with a leather strap. I happened at the time to be standing in the yard of the shop, outside of the building, and the party or crowd was in the shop drinking whisky or brandy or something. I had quit drinking some two weeks before that time, and have not drank any since. I did not partake of any with them. When he told me they said he must tie me, I said, “Jim, you must not do it.” He said, “I don't want to do it.” They came out of the shop, and ordered him to tie me. He said, “Gentlemen, some of you gentlemen tie this man; it is not right for a negro to tie a white man. It is something I am not used to.” They formed a ring around me. Gibson appeared in front of me with a piece of split wood about two and a half feet long, rather broader one way than it was thick the other. I did not notice its size very much, but I suppose, from the size of the other pieces in the yard, it was about an inch and a half, and with the stick in his hand he ordered the negro to tie me. Whether he got in that position to enforce obedience by the negro or not I do not know, but I took it to myself, crossed my hands, and was tied.

Question. You say these two negroes, Kelley and Bedford, worked for Moore and Blair?

Answer. Yes, sir.

Question. How did they vote?

Answer. I do not know. I never meddled with them.

Question. What is your opinion as to whether these negroes acted voluntarily or under compulsion?

Answer. They acted under compulsion; I am clearly of that opinion; and here I wish to make one other remark in a political way, and after that I do not wish to have anything more to say or do with politics. These parties made use of political prejudice, I think; I am satisfied that Blair and Moore took advantage of political prejudice to carry out what they lacked the moral courage to do themselves.

Question. Did I understand you to say that you were the only man in that precinct who voted the republican ticket?

Answer. Yes, sir.

Question. Was it cast up to you in an odious way that you were a radical?

Answer. Not on that day.

Question. But before that?

Answer. Blair had thrown it up to me before that, on this occasion I speak of.

Question. Were any of these men owners of property who were concerned in whipping you?

Answer. Gibson owned some property, if it was paid for. He was living on property he had bought. My understanding is that he was involved in debt, and was owing for the land so long that he was really not worth anything. The others, all of them, except Blair, belonged to rather the migratory or transient class of people. They had not been in the country more than two years; some not that long. They were strangers.

Question. Blair owned a distillery?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Had Moore lived there very long?

Answer. Not in that neighborhood. He was perhaps raised in the northeast portion of the county, but he had not been in the neighborhood exceeding fifteen or eighteen months at that time. I think he came into that neighborhood about the first of January before.

By the CHAIRMAN:

Question. He was interested with Blair in the distillery?

Answer. Yes, sir.

Question. Was it a licensed distillery, or an illicit one?

Answer. I think it was illicit. It has been proven so and torn down by the marshal, or by his orders, within the last two weeks.

Question. What did they distill; fruit or grain?

Answer. Fruit and grain both.

Question. How much did they turn out a week?

Answer. I am not able to say. I never paid any attention to the man. I left a short time after they commenced distilling. They had been distilling fruit for several years at the same place. They commenced distilling grain last spring, and had not made but two or three runs when I left the neighborhood. I learned subsequently that they failed in getting grain, and did not run more than perhaps half the time during the summer; but I was not there to know. That is the general account.

By Mr. BUCKLEY:

Question. The still has now been seized?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You may now resume your narrative at the point where you stated that your daughter had made an affidavit.

Answer. Well, after I had left home, this whole transaction got out to the public. It seemed to have been told by themselves. When I left home, I had laid in the woods the Friday night after I was abused. I staid in the house all day, and laid abed pretty much all Saturday following, and Saturday night I went to the woods. On Sunday morning I concluded to go across the river, into another county.

By Mr. BUCKLEY:

Question. What river?

Answer. Elk River. I went to a friend of mine there, and knocked around during Sunday. I made an arrangement before I left home in the morning, with my daughter, for her or my son to meet me on the bank of the river.

By the CHAIRMAN:

Question. At this point, state who composed your family?

Answer. My wife, and daughter that is grown, and five children, from fourteen years old down—boys and girls.

Question. Proceed with your narrative.

Answer. I made this arrangement with my family, my daughter, particularly, for her to meet me at the river, and if they got any items or anything prejudicial, to meet me on the bank and let me know it, and I would not cross. I would still stay on that side and see how matters were going on. I was very much cowed. All my expectation was to leave the country and get my family away. They met me, according to appointment, about sundown, and brought my clothes, with a report that they had seen my son-in-law. He had heard of it, and had come to see me, and he had noted certain riding about—the movements of certain parties on Saturday night before—and was fearful that there was something further in contemplation; and the request of my family was for me to get away. I took my clothes and staid in the neighborhood on the opposite side of Elk River from home, and on Monday morning I bought a canoe and put off. I went out of Elk River to the Tennessee, and through to Courtland, on the Charleston and Memphis road, and took the train from there to Mississippi.

Question. This occurrence was in Limestone County?

Answer. Yes, sir; the occurrence was all in Limestone County. During my absence I received a letter from my wife, stating she had received my letters, and stating, fur-

ther, that she had written to me once before, but the outlaws had got her letter that she had intended for me; also, in the same letter she stated that they had made a raid upon her or upon the house—some ten or twelve—and she had identified a portion of them. They had abused her in language.

By Mr. BUCKLEY:

Question. Were they in disguise?

Answer. No, sir; not in disguise. Those that came in the house were not in disguise, and she knew them. Of those out of doors, a part of them would talk at a time in a disguised voice.

Question. Was it in the night-time?

Answer. It was about an hour before day, or an hour and a half, or longer, when they came to the house. They pretended to be hunting disguises, and searched the house from floor to garret, and under the floor, and had the children all to get out of the beds, so that they could turn them up; and accused my wife of wearing disguises, and went on at a pretty large rate; and finally after they gave up searching, they went into the yard. She was watching them, and she could see the bulk, and was satisfied that there was ten or twelve of them. They had told her, in the mean time, that they were in a bad scrape. My daughter had recognized a part of them as being the same party that had whipped me, and had charged them with it; and this Johnson said, "We are in a bad scrape, and we are going to get out, and I will give you to understand we are not afraid of the law; we have a law of our own." And when they gave my wife the order that she had to leave in ten days, she told them very promptly she would not do it; that that was her home; that her husband, whom they had abused and driven from the country, had paid for it for her, and she was going to die before she would leave it. They told her if she did not leave they would give her and Fanny, that is my daughter, three times a day what they had given old L. L. Well, that occurrence got out. My wife had written me this; that this outrage had got out, and the people had taken hold of it. At that point, my daughter was sent for to town, and the friend that brought her to town took by-ways. He was afraid for his own life.

By the CHAIRMAN:

Question. What town? Athens?

Answer. The county seat of Limestone.

By Mr. BUCKLEY:

Question. How far did you live from Athens?

Answer. About eleven miles. The good people, my old neighbors, were intimidated, and were actually afraid to come out openly and defend my wife, but, through good management, this friend brought my daughter to Athens, and there she made her complaint. Warrants were immediately issued, and the parties were all arrested, except two, who are running at large yet. The case is progressing. It has been put off from time to time.

By the CHAIRMAN:

Question. Were you bound over to appear against these men?

Answer. Yes, sir.

Question. Who was your surety?

Answer. Let me see—

Question. Was the sheriff?

Answer. The sheriff was one.

Question. I do not care about the others.

Answer. It was a good bond.

Question. When did you come back?

Answer. I came back just two months from the time I left home, or within a day or two of that. I came back about the 1st of June. I left the 1st or 3d of April, and I think it was the 2d or 3d of June that I got home.

Question. In June last?

Answer. Yes, sir. When at home it alarmed my wife to see me. She was very much excited, fearing that these parties would find out that I was home. A neighbor's little daughter happened to come on some errand after breakfast, and went home and told her parents, who were all my friends, of it. The lady of the house came right straight to see me, and would not give me any rest at all. She and my wife both beset me to go right across Elk River, in the neighborhood of Lentzville, and stay there—about two miles from where I live. They said they did not consider me safe where I was. I went over in the neighborhood, and went to the sheriff, Mr. Lentz. That was on Saturday, and my wife came over the next day, and we staid there until Monday, and I came over to Athens in company with them. Well, it was managed very well in getting up witnesses. A good many had developed themselves; had voluntarily come

forward and told what they knew—my old neighbors—and they had evidence sufficient to convict these parties without my presence. On the 1st of June I was at Athens, and I went back then into Colbert County to my work. In about two weeks I was taken sick and returned home. From that time I was in the neighborhood, working most of the time for Squire Lentz, the sheriff, up to the 10th of September. During the time when I would go home I would lie in the woods. I never slept in my own house.

By Mr. BUCKLEY:

Question. You would lie out at night, you mean?

Answer. Yes, sir. We had discovered, in the mean time, that these parties were watching for me. We had pretty good evidence of it; enough to keep me on my guard. I hardly ever went the same route backwards and forwards twice. I would rarely go back the same way I came, but would go through the woods by byways. I eluded them. I had learned that they were watching for me. I eluded their vigilance up to the 10th of September. I believe that that is about all I have to state now of the old case.

By the CHAIRMAN:

Question. You may now give the committee the particulars of the second time you were visited.

Answer. Well, sir, Sunday, the 10th of September, of the present year, I had returned from Mr. Lentz's, where I was at work, at about ten o'clock.

Question. Ten o'clock in the morning?

Answer. In the morning. My wife was commencing to tell me of the discoveries and items they had gathered in the last three or four days, of strange parties in the neighborhood, and certain movements. I think maybe this had consumed about ten minutes of time. I was about to ask her to give me some water, to let me shave and put on clean clothes, and I would go back to the other side of the river. She was sitting nearer the door than I was, and happening to turn her head she cried, "La! there are disguised men in the yard." I jumped up and aimed to get out of the back of the house. I thought I would make a run of it and get out back by the woods. I saw the glimpse of a man where I aimed to get out. I turned back and snatched an old musket in the house that I had had loaded. I did not know whether it was loaded at that time or not. I snatched it and happened to look and there was no cap on it. I recollected a cap in my vest pocket. I snatched that and put it on, and came to the front door. It was all the work of a moment—just as quick as it could be done. I did not see them, only the two at the gate. I did not see any one in the yard. I heard the tramp of feet at the back door and then there were three in the door with their pistols leveled on me as they were all coming in. I just set the gun down and they rushed on and gathered hold of me and rushed me right off. There were five of the disguised party that I saw. They pushed me and kept me in a run for about two hundred yards from the house, and they then put me upon a horse behind one of the men who went ahead, in front, and went off in a great hurry. My daughter and one son had left the house just a few minutes after I had got home, going out where they knew of some grapes, or maybe a peach tree in some old field to get some, and they had got some three hundred yards from the house when they heard the alarm their mother gave, or scream, when I was taken. The youngest one got a glimpse of the party, and came across the high way and intercepted them, and she said there was one man in the crowd who was not disguised. She said there was six or eight in the bunch, and one was not disguised, and he kept motioning a pistol at her. I did not see but five. My position was such when I saw them that I had not a chance to see more than the five.

Question. Were they all disguised?

Answer. Yes, sir; all that I saw were.

Question. Will you please describe their disguise?

Answer. It was red and blue, the best I could see was, and their faces were covered. I had no time for taking a minute observation. It was red and blue, and maybe some white mixed up.

Question. Did they all have horses?

Answer. Yes, sir.

Question. Were the horses disguised?

Answer. Yes, sir; some were, I know, and some, I think, were not. I was in my shirt sleeves and bareheaded when they took me off.

Question. Mounted behind a disguised man?

Answer. Yes, sir. He rode in front until they got about a mile from home. They stopped there, and they put a bandage around my eyes, of a handkerchief, or something he folded up and tied around my eyes. They tied my hands behind me, and then they put the head covering—I believe it is called the hood of a horse-covering—turning it right over my head and shoulders, and it was fastened in some way to my hands behind; but the great bulk of it hung down to near my waist. When they started with

me from there I was entirely blind from the bandage around my eyes, but I could tell they were riding in a circle, and after a while they struck a road, and by this time they had me bewildered as to locality, but I could tell by the horses' feet that they were in a road or open ground. There were no leaves under the horses' feet, and I could tell that it was open ground that they were on. This bandage came out or slipped down off of my eyes. It worked down. It did not stay very long. Then I had the light, but only the light as if through a very thick canvas or very heavy domestic. I could then tell the course they were traveling, mainly by the sun. They traveled generally in a southern course, but I was so badly bewildered by this time that I did not know anything about the locality. Occasionally they would stop and circle. They went on in that way, I think, until near 12 o'clock. I think it was well on to an hour or an hour and a half or longer. All that was sometimes in the woods and sometimes in open spaces of road, and they stopped and rode off; they had been traveling in a road for some distance, but they turned into the woods and rode into the woods apiece, and stopped and dismounted. I was taken off of the horse, and there were two of the party rode off. I did not think from the sound of the horses' feet that the party had increased from the time they had left my house up to that time. After standing in that position, blindfolded and suffering, for it was terribly warm, and I was suffering with thirst, and almost suffocated, I had to lean over in front, in this way, [illustrating,] to keep the hood so I could get air. If I sat straight it came down to my face. I could hear by the voices that there were three there. There may have been more, but I was certain of three distinct voices, though they talked in their disguised tone. After a while I asked them, "Men, what do you design doing with me? If you intend to kill me, which I believe you are going to do, I want to know it." The reply was, "We can't answer no questions." They talked on among themselves for a while, and at that time I discovered or detected the voice of Sam Moore, speaking in an undertone. After a while one of the party came up and stood behind me, and says, "My friend, I can say one thing to you: if you have any preparations to make for death, it is time you were at it. You have but a short time to live." I said, "Just about as I expected, and I would like to have some writing materials, so that I can write a little note to a friend. There is some business I have on hand that is entirely unsatisfactorily arranged, and I would like to write to him." They told me I should have it. After a while the crowd came back—or there was a crowd came back—I could hear the horses' feet, and there was a great deal of talking, and the question was asked, "Who have you got there?" and the answer was, "Weir." "What," says one, "the old Squire?" "Yes." Well, they counseled, and went on for some time, and, finally, there was a pencil and a scrap of paper procured for me, and I was led off perhaps some twenty steps—I judge about that far—behind a tree, and the blindfold taken off. I had a fine pair of spectacles they had taken off of my eyes, when they first blindfolded me, that they now handed back for me to put on, in order to write. I was guarded at that time by two men; both had on disguises, but the face of one was naked. He was a man I did not know. I did not recognize him at that time, but I finally found him out before I got shut of them.

Question. Who was he?

Answer. A man by the name of Boyce. You will learn after a while how I detected him. I wrote a note to Squire Lentz, the sheriff, stating to him that I had been captured, and had but a short time to live; that my doom was sealed, and that I wanted him to do so and so in such matters, and to take care of my children. Well, when I got that through—got done writing—I gave it to them. They promised me very faithfully that it should be carried and delivered to Mr. Lentz. The blindfold was put on me, and I was led back and stopped right at a halter-chain and rope that was right at my feet. I could only see a circle of eighteen inches or two feet around my feet. They might have had a design in stopping me there. At any rate I stopped, and there was a rope and halter-chain lying there; and they talked among themselves all this time, of which I understood but little. At this time I detected Johnson's voice, and Gibson's. I was asked by some one of the party in which way I preferred to die, by hanging or shooting. Says I, "It is not for me to make the choice, but if you intend my family to get my body to bury I do not want it mangled or bloodied up by being shot; I don't want them to see any blood." Then the rope was put around my neck and the regular hanging knot tied. I expected then to go right up there; I had no other calculation. They kept counseling and fooling about, and finally I was put up behind one of the party and away they went. They were sometimes in the woods and sometimes in the open ground, and from the tramping of the horses' feet I footed up that there were twelve or fifteen in the crowd, from the noise. Well, they kept questioning me a great deal about the old difficulty, and asked me if I knew any of them, and I denied knowing any of them. I knew one of the men who asked these questions just as well as if I had been standing right before his face.

Question. You were not entirely candid in your answers to these gentlemen?

Answer. No; I was using a little policy. While going on in that way I discovered that a portion of the crowd had sloughed off; they seemed to be leaving and going off

in another direction. That led me to believe, from the noise around me, that there was not more than five or six men with me. One of the party asked another, "How many boys went around the other way?" and the answer was, "Nine." Along in this time this man I was riding behind told me he lived thirty-five miles from that place in Tennessee, and all lived up there about that far; and that "they came down to settle this business, this difficulty you have got these boys into. There are none of these men you had this difficulty with, or this lawing with, in this crowd. Do you think there is?" I said, "No, I reckon not." He says, "I know they are not, for I know there are some of them have sick families at home that they can't leave." I said, "It would have been a fine thing for me, I guess, if you had all had sick families." Now I had not had any water all day. Finally we came to a spring. They had plenty of brandy during the day, and were drinking, and offered it to me, and on two occasions I had taken a mouthful of brandy to quench the thirst. I would hold it in my mouth and spit it out to quench the thirst. They would abuse me and tantalize me for spitting it out. Finally we got to water. It was now getting towards evening. I was almost famished. They got a bottle of water at the spring and gave me water. They had to raise the hood up so I could get the bottle to my head to drink, and I saw the spring and knew it. It was what we called Dripping Spring. I had only a glance around it, and I could not tell how we had come into it.

Question. How far from this spring is your house?

Answer. Four miles and a half; I think about that; it is that far on a straight line, and by the traveled road it would be five miles, I think. They passed on further, winding and turning about, but still, I thought, kept pretty generally in a southwest direction, from the force of the sunlight on this blind.

Question. Traveling through the woods?

Answer. Yes, sir, woods and occasionally open spaces, but mostly through woods, and I discovered briars and vines, and in some places it was pretty difficult to get through. At length there was a halt. I heard Sam Moore remark—it seemed like they had just met; that was the impression on my mind; that they met some other party at the halt; I put it up in my mind that it was the same party that had made off before—and Sam Moore remarked in his natural voice, "It is decided." There seemed to be an agreement, or an amen, to that. He rode on a piece, and the remark was made, "Here's about as good a limb as we will find." They dismounted, two or three of them, and I was taken down off of the horse and led a few feet, and as I was led off I rather ran against the tree. I discovered there was a tree there. I could hear some one climbing it, and the rope was taken up, and I was hoisted from the ground; I don't know how high. I was hoisted right up. The first thing I knew after feeling myself go up, I was on my back on the ground, and some one of the crowd was in the act of helping me up. He had rather run his hand under my shoulder and was helping me up, and I thought that he slackened the rope there.

Question. Was it a regular slipping noose?

Answer. Yes, sir, it was a regular hangman's knot, fixed so as to draw tight—a slip-knot.

Question. Did you become unconscious after being drawn up?

Answer. Yes, sir, for I know nothing of the falling. I must have fallen. The rope evidently broke, for I was lying on my back at the first consciousness. After I felt myself go up, I was sensible of a choking sensation for a short time, but the next thing I knew I was lying on my back and this man in the act of helping me up. They appeared to get into a jaw among themselves, and disagreed among themselves, and jawed a good deal. One wanted to and another would not, and at last one swore he would leave, and, I think, got on his horse from the movements I could hear. About this time, or while this was going on, this man that raised me up had never taken his hands off of me, and he whispered to me, "They will not hang you if I can help it I will save you if I can."

Question. Did you know the voice?

Answer. No, sir; I know nothing of that voice. They continued to jaw on for some time. At length I was led up to a tree, I think a different tree; I could not tell, but it appeared from my movements like it was a few feet from it, and the rope was drawn that time until it was very tight, but I was not taken off of the ground.

Question. Did you lose consciousness?

Answer. No, sir, not at that time. I had lost my consciousness the first time, but not in the second time. They didn't tighten the rope enough to take me from the ground. They quit then, and I was put on the horse with the same man that had hold of me. I felt him, and his size; made excuses to rub my breast against him to try and locate the size of the man. Finally, after going on a piece, they stopped, and Gibson remarked, "Here's the Tennessee River; let him see it." They raised up the hood and I could see the opening of the river, but it was a dense thicket of undergrowth and stuff, and I could not recognize the locality. When it was raised up, I could see that the man I was riding behind was in disguise, and I didn't think his size suited for either of the men I recognized the voice of. I knew it was not Gibson, for he was at my left.

Question. Was this the same man who whispered to you that they should not hang you if he could help it?

Answer. Yes, sir; I am satisfied, because he led me right up to his horse and mounted, and told them to put me up behind him. After they had showed me where I was, or gave me the privilege of looking at the river, the blind was put down again and away they went. I did not get a chance to look around to see how many there were in the crowd. We came to some water and crossed; I could hear from the talk and the drifting about that it was a difficult place to cross at, and some were directing to one point and some to another. Finally, I and the man I was riding behind, had both to get down. The bank coming down on the opposite side was steep, and he said his horse could not get up. We got down. My hands were tied and he remarked I could not stay behind him and get up this bank with my hands tied; I had no way of holding.

By Mr. BUCKLEY:

Question. The bank was so steep?

Answer. Yes, sir; and he led me across that place. By leaning over and looking, I could hear there was a little water. There were a good many old logs, and I guessed the place to be a certain slough, that makes out from the Tennessee River, and dries up sometimes—an old slough. I was pretty certain that we were traveling down the river and crossing that slough. We finally got across it, and I was put up behind the man again. I do not know whether it was the same man or another. They were talking about shifting. Directly afterwards, they got into the worst thicket I think any set of men ever got in—vines, and canes, and everything of the sort—and I was dragged off of the horse, going up a steep place, by vines or something. At this time, while in the thicket, I heard the name of Smith called three different times. I heard the name of Bradford called twice. When I was dragged off the horse this man called for some one to come and put me up. They came and took hold of me very roughly, and would throw me about half way up and let me fall back; and a man said to Frank: "Don't be so rough," and Frank Gibson replied, in his natural voice, that he didn't care. I was put on and we went on, and we struck an open field. From the slough, I judged it to be a certain field on a large island in the Tennessee River. They stopped, just after we got into that open space, and I was under the impression that a part of the crowd turned back and left them. After that I could not hear so many horses' feet. Shortly after that, or about that time, one of the party told me, "We have twelve men at your house, to guard it, so that no news will get out from it," and he called to Frank, "Wasn't it twelve?" and he says, "No; it was eleven. It was within one of it." That was the reply made by Frank Gibson. Finally they stopped, and all got down, and Frank Gibson remarked, "Here's the place. Let him see where he is." They let me down, after they got off. They led me a few steps forward, and when they took off the hood I discovered that I was on the bank of the Tennessee River. They began to discuss among themselves now who was going to do the work. They all appeared to be unwilling; at last Johnson said, "I will do it. I can manage him," and he stripped off and went into the river. While he was stripping off, one of the party put the bandage back on my eyes, and tied it very tight, and they took a wisp of leaves. One suggested to daub my eyes up with mud. Another suggested, "No; that will wash out." But they put in a wisp of leaves over the balls of my eyes, and tightened the bandage. Johnson walked out and ordered me to follow. I blundered in. There were logs there, and it was muddy right at the bank. It was with great difficulty that I could keep from falling down. I staggered in. I didn't know which course to go, and he kept calling to me, but I never could locate a noise right close to me, and when I would think I was going to him I would be wrong, and he ordered me how to go. Finally he came up and caught hold of me. I reckon I was going down stream by the way he turned me and led me off into the river a piece, and at length he hollered, "Some more of you come in." They stripped off, and two came in. They commenced ducking me. They would stoop down and catch me. It was about waist deep of water. They would catch me under the crotch, and hoist me, and throw me under head foremost. My hands were tied behind me; sometimes I would recover my breath; sometimes they would assist me. As quick as I could get a breath, under I would go again. After that had been done about a dozen times this bandage came off of my eyes, and I looked around every opportunity I had when I was up. They called Frank Gibson to come in. Johnson was in there, and a couple of other men who were strangers to me, or passed themselves off and aimed to be. One was really a stranger; one they kept calling George, and I kept looking at him every chance I had. They called him George, and finally I located him, and eventually became certain that I was right, and knew I could not be mistaken.

Question. Who was he?

Answer. George Peace. I had seen him frequently, formerly, but had not seen him for about two years. They got Frank Gibson in; Sam Moore was standing on the bank with his disguise on, but with his face naked. He had his suit and blouse and

pants on. The others had stripped off their disguises and clothing on the bank and came into the river naked. Well, four of them started in then, and they would play leap-frog with me, souzing me under and choking me and running and jumping over me as we used to do as boys playing in the water. One would turn me under and they would go under and over me. They enjoyed this hugely; my hands were tied behind me and I had to bear it. Gibson would throw me under and say, "How do you like the commissioners' court? How will that do for a commissioners' court?" tantalizing me repeatedly.

By the CHAIRMAN:

Question. What did he refer to?

Answer. That needs an explanation that ought to have come in before.

Question. Perhaps you had better go on with your narrative and make the explanation afterward.

Answer. They went on with that until they discovered that it was pretty cold. They were cooling down; their brandy had given out. I was not cold. The exercise was so great and my clothes were on; I would have been sweating if the water had not kept it down. They worked at that until they got tired, or seemed to be. One said "This won't do; we must finish it." He led me out to the bank and looked at some limbs and said, "This will do," or "That will do," and they pitched up the rope they had had previously and put it around my neck and went out in the river again. As they ducked me under when I would attempt to recover, the fellow with the rope would keep jerking it and keep me on my back. I had learned when a boy to hold my hands across under my back and float. I attempted several times to get to my feet and they jerked me back and I just eased off to floating and they would keep jerking me around. Finally, the rope by repeated jerks got so tight that I choked down and could not get my breath, and sunk. They took me up and set me on my feet.

Question. Was the rope around your neck?

Answer. Yes, sir; and choked me until I was not able to help myself in the water; then they slackened the rope, or slackened the knot, so I could get breath, and then grabbed in the water, in the bottom of the river, and got up some rocks—I think about twenty-pound rocks. I am a pretty good judge of water, for I have fished a great deal. They tied these rocks with a rope as close as they could get to my neck, and then the question was, who would go out with me. It was put upon Johnson and Peace, that they should take me out and finish. Gibson remarked, "When you are done with him, and he is drowned, tie the rope to that snag, so that when he rises he will not float off." They took me out about fifty yards; at the point where they stopped the water was about to the waist-band of my pants, a little deeper than it was before. One got on each side of me, and they put me to the bottom, sunk me to the bottom, and held me there. Well, I just gave up; I reflected this is the last; I was out of breath. As I strangled and caught my breath, they raised me to the top and took the rocks loose and led me back to the bank. Sam Moore was sitting there, and told me to take a seat by him. I sat down pretty close to him. He said, "Squire, when I started out this morning I meant to do just what I told you last spring I would do; but I have concluded to spare your life, and I had hard work to do so. I thought I would spare your life, though, thinking you might be useful." What he meant by that remark I don't know, and I have never been able to make that out. "Well," says I, "a man in my condition will accept almost any terms to save his life." Says he, "We are going to keep you a close prisoner until after court, and you have got to keep your daughter Fannie and your son John away from court." And another one of the party, I don't remember which, remarked, "And other witnesses." "No," says Moore, "them three will be enough; we can manage the balance, and," says he, "if Fannie and John appear at that court we will kill you certain, and if ever you tell anything that has been done to-day we will kill you; do you mark that?" I agreed to it. Gibson and Johnson immediately commenced putting on their clothes about this time and gathering up their disguises; they didn't put them on any more, I think. One of them took the hood I had been blindfolded with off with him, and left Moore and these two men that were apparent strangers with me. By this time it was after sundown, or half way between sundown and dusk.

By Mr. BECK:

Question. Had they then taken the hood off you and untied your hands?

Answer. Yes, sir; the hood had been taken off me when I first went to the river, and the bandage put on my eyes; but that came off pretty soon, and at this time my hands were untied when I came out, but the rope was still around my neck. They made me walk with them, one of them held the rope, out some thirty steps from the bank of the river, may be farther, into a large cornfield where they gathered corn to feed their stock with. There at that place I had a chance of looking around, and knew the ground well—the field I was in. I was satisfied about the place before, but now I knew that it was Frank Gibson's field over on the island. When they got the corn to

feed the stock I asked Moore if he had a match to make a fire; that I was very cold, my clothes being all wet. He made a fire in a drift of dry wood, and he tied the rope to a sapling—the other hand—I may say he tied me to the sapling. I took off my clothes, wrung them out and dried them as fast as I could, holding them to the fire tolerably comfortable. We were there three-quarters of an hour, until it was good dark. Moore told me we had to leave there; to get my clothes all on, to fix up; we must get away farther. I got my clothes on, and during the time I was fixing my clothes they were gathering up their disguises. These two strange ones had put on their every-day clothes previous to that time. They were gathering up their disguises and fixing up their budget, some way or other, when some discussion occurred between them and Moore about the convenience of carrying disguises. Moore said he always carried his under or on top, as it suited him, and that he had no trouble in turning them; and he took off his disguise and took off his every-day pants and coat, and then put on his disguise suit next to his drawers, or under what was his outer clothes; put on his every-day clothes, hiding the disguises entirely from view. The face covering I didn't see. Moore remarked, "The squire don't know nobody but me, and I am not afraid of him;" and this man by the name of Boyce remarked, "He don't know me." "No," says I, "I don't believe I do," and I didn't at the time. This other one remarked, "You don't know me?" I looked at him and said I, "They have been calling you George, and I think it is George Peace. I am pretty certain;" and he looked at one of the others right quickly, and then turned immediately to me and sort of smiled and said, "You are mistaken about the Peace. My name is George." I said, "I have not seen George for some time. I used to know him. Probably I am mistaken," and that passed off at that. They fixed for leaving the place and put a disguise cap over me, then blindfolded me—one of their own caps. They put that over my head; my hands were not tied any more then. I was helped up behind one of them, and struck out in the direction up the river. It was then dark, and I happened to be the hindmost one of the crowd and, having the use of my hands, I slipped up the face covering so I could see, and I kept the locality and knew the ground all the way to where we stopped. At a certain point Moore turned off and left me and the other two men, and said he would go and get some brandy, and told them where to stop at—a certain cross-fence. We went on up to that cross-fence and we all got down. I laid down on a pile of rails, resting myself. Directly Moore came back and had some brandy—a quart. They put on with me then, and stopped at length, as they supposed, at a place that I did not know anything about, but it was south of Frank Gibson's house—or rather his horse-lot—at the back of a plum-thicket. Moore left us there to go to the house and see if anybody was there or who was there. While he was gone this man I did not recognize commenced talking to me about how badly I had acted in lawing these men for what they had done to me last spring, and there was a good deal said about it between him and me. Finally he remarked, "I am a friend of Sam Moore. I don't live about here. I live in Tennessee. I was down here at Sam Moore's at the time of that Blair raid about twelve months ago. I staid all night with Sam Moore." Right there I knew who it was. I had staid all night with Sam Moore the same night myself.

By the CHAIRMAN:

Question. Who was he?

Answer. Boyce; there's where I detected him; he had been strange to me; I had not got at him before that time. After a while Moore came back, and they led me from there to the house. They watched me very close about keeping me blindfolded, but I would occasionally get it slipped up a little so as to get a glimpse of the surrounding objects as well as I could; I knew Frank Gibson's stables. We walked right through a passage between the crib and the stables. When we crossed the fence, to get in the yard, I knew the yard; it was full of locust trees; I could discover them through the disguise—it was a thin, domestic concern, and I could get the shadow or outlines of the locust trees through that; besides, I got my hand up once so as to look out a little. They took me into the back of the house, and around through the house, up stairs, to a very comfortable bed, and told me I could sleep there. They scattered off, except one of the party that staid with me.

By Mr. BECK:

Question. Was the rope taken off your neck then?

Answer. No, sir; the rope was still around my neck all this time. One of the party, I don't remember which, staid with me. I was guarded all the time, and they were passing backward and forward. In a short time they put a chain on me. Moore attempted first to lock both ankles together, but he could not get the thing to fit. Finally, he locked it around one ankle to the bedstead. They brought me some supper, and I ate a few bites and tried to compose myself as well as I could. By this time I had taken this blindfold off of my head entirely, when I went to eat in their presence, and they did not put it back. Well, I slept a very little that night; I was guarded; one of the men slept in the room; he laid on a pallet across the room from

me. I had the opportunity of looking around. There was a light burning in the room; I recognized the room; I knew the place; I had been in the room many a time before; I had gone up the stairs many a time before, and knew all the surroundings. About an hour before day they unlocked me, put a heavy coat on me, or gave it to me to wear, and blindfolded me and took me off—Moore, Boyce, and Peace. They took me off south from Gibson's to a slough of the Tennessee River, to a thicket of cane, briars, and weeds. It had been a cleared piece of land, but grew up very densely with weeds and undergrowth. Boyce and Peace there left us—I suppose to go home. They left Moore with me. Moore then chained my ankles together; he used a padlock to secure my feet, about six inches apart. One of the parties that left took the hood they had over my face with him. I was not blindfolded any longer. Moore staid with me all day, and guarded me with pistols and a double-barreled shot-gun. About eight or nine o'clock Gibson brought us breakfast and some water.

Question. Gibson no longer concealed?

Answer. No longer concealed; he came in his natural clothing then. They furnished me with a pencil and a sheet of paper to write a letter to my daughter.

By the CHAIRMAN:

Question. Gibson did?

Answer. Gibson. I wrote the letter to my daughter, stating that I was alive, and a close prisoner, and that I had the promise of my life upon certain conditions; that my life was in her hands; that they would keep me a prisoner until after court, and if she and John appeared against me at court they would kill me. I stated to her that if she valued my life as a child should the life of a parent, I did not want her to go to court at all—neither one of them. I repeated that several times, in order to do as much writing as I could, in order to convince her that I was alive, to let her become familiar with the handwriting. I knew it would be a very hard matter to convince them I was living, and I used another expedient to convince them that I had done the writing; that was this: I recounted to my wife a part of a conversation that she and I had had just a few moments before they had captured me.

Question. Why, was not your daughter familiar with your handwriting?

Answer. O, yes, sir; but I knew it would be a hard matter to convince them under the excitement. They were not prepared to see my handwriting any more. Clear of the excitement, she would know my writing anywhere among a thousand, perhaps; but the difficulty would be to convince her that I was alive. There was still another difficulty in the way; I was afraid they would, maybe, not comply with my promise; that they would think that these parties had forced me to write that, and had then put me to death; and under that impression I knew she would be more resolute than she had been in the first prosecution. I delivered that letter to Gibson about 11 o'clock.

By Mr. BUCKLEY:

Question. On Tuesday?

Answer. On Monday. He promised me by everything sacred, on the honor of a gentleman, that my family should have that letter; should have it immediately, just as quick as it could be conveyed. He promised to envelop it and fix it all right. It was given up to them to manage in their own way. Johnson, in the mean time, was there when Gibson received the letter. Moore sent him home to get some tobacco for him. We were both out and both wanted it very badly. He came back with the tobacco in two or three hours—a couple of hours, perhaps—and he said, "Moore, I had a pretty hard time at home. Aunt Strange"—an aunt of his wife—"accused me of being out Ku-Kluxing all day, and I had to manage the best I could to get the tobacco and get away." He gave that as an excuse for his staying so long. Well, I don't remember anything worthy of note in the conversation between Moore and Johnson. Yes, Moore had told me in the mean time that he believed it would be a good plan to turn me loose there and let me go home, and he named that to Johnson and they talked aside from me privately to themselves upon some subject. I suppose that was the subject they talked upon. Finally, after they came back and sat down where I was, Johnson told Moore, "You all do as you please. Whatever you do I will agree to. It will be all right with me;" and he went off. About 4 o'clock Gibson came back badly excited and terribly scared. He reported to Moore that there was bad news. "What is it?" said Moore. "Well," said he, "Weir's folks have got to town and have reported this case, and the whole country is up in arms, and they are out after us; and I wouldn't be surprised if there is warrants out for you and me both. There is terrible excitement and they will be down here." He talked fast. Finally, he proposed, I think, that we had better go to Tennessee. Well, Moore got him a little cool. Moore is a very cool-headed man—hard to excite. He got him cooled down a little, and got him to tell off all who composed the posse that was down there. He told off a good many of their names.

By Mr. BECK:

Question. Who did he tell were out?

Answer. He spoke of Mr. Coleman and Sowell, and a young man named Lindsay. I can't recollect the names, but he named a good many.

Question. It was Dan Coleman's party?

Answer. Yes, sir; the same party. I don't know which really commanded. Coleman was along and the deputy sheriff. Well, they discussed the matter for some time and proposed to go to Tennessee, and Gibson proposed staying with him right there and dying with Moore; as he had gone into it with Moore, he said he would die with him, and he remarked to me, in the mean time, "Squire, I wouldn't hurt you for anything in the world. I glory in your being a radical. You are an honest man. You are not like old Spaulding, at Athens. He is thinking of money. You have been the same all the time. I won't hurt you; but if they were to come on you, just between you and me, I will tell you that they would never take anybody but me." I inferred from that that he would kill me rather than let my friends have me. That was only an inference that I drew from his remark. After discussing who were in the crowd, Moore remarked that he "could clean out all such crowds as that, if we had the crowd together," and the Smith boys were mentioned. They were the only names they did mention. Well, about this time I put in. I began to think of consulting my own safety a little. I wanted to get Gibson away. I said, "Frank, if you are looking for these men to come down here to your house, as they told you they would come, you go along home and calm yourself down, and receive them kindly, as you are able to do, and feed their stock for them, and feed them. If they want to make a search for Weir you can very easily mislead them and take them anywhere else than this place," and they fell upon that plan; that he was to go back up to the house and not stay with the rest; he was to go back and be as cool as circumstances would permit.

By the CHAIRMAN:

Question. What was your policy in getting rid of Gibson?

Answer. Because of his remark, that if he was with me and the crowd came on them, they would not take any but him; it was a remark I didn't like; he left; just before he left, he and Moore stood a few feet from me—only four or five feet—and were talking low, and I heard Moore say, "I will take him to Smith's." After Gibson was gone, Moore fixed and took his mule that he had with him into a very dense cane thicket, and we crawled deeper into the thicket for fear some one might find us; just about that time I was about as keen to keep my friends from finding me or getting too close to us, as they were to discover us; for in studying upon that thing, it had come right forcibly upon me that these men would kill me rather than let my friends find me alive. We lay in that position until dark—until it was good dark; Moore unlocked my feet, took the chain off of my feet, kept the rope around my neck, had me get up in the saddle and ride before. I had ridden so much behind, on the day before, that I had got chafed by the rough riding, and complained of it, so he put me before, and we rode on toward Gibson's, and got back of his lot, at this plum thicket, where he let down the fence and let in his mule, and I crawled into the thick part of it, some fifteen feet perhaps; he spread down a quilt or comfort, that we had brought with us to lie on, and I sat down on it; Moore locked me securely, then, to a plum-bush, and asked me for my knife; I handed it to him; he says, "I have no locks to be picked. I am going to leave you for a while. We must go to Tennessee." He was gone some time; I don't know whether he got to the house or not; he came back though, and reported that he could not make any discovery; he could not find Frank; lying there a while, he remarked, "Somebody is coming. I hear my hounds barking up at the house." Well, he would go off and I went to sleep; I had not slept any the night before and was badly fatigued; I slept, and I reckon I slept pretty sound, but not long at a time without waking; he was absent at one time when I awoke, and at another time I woke and he was lying by me; I asked if he had seen Frank. He said, "Yes; the fool was so excited that he has let his mule get away with the saddle on it, and we are not likely to get off." He said, I don't know how long; I think I fell asleep before he left again; I was not paying much attention at that time to what was going on; he left me again and came back and reported that one of their party came over to us; he remarked, "Squire, one of their men has come to us." "Who is it, Sam?" I said. He said, "I can't tell you that." I says, "If it is secret, I don't want to hear it." I says, "What are you going to do to get away from here?"

Question. Did he refer to that posse when he spoke of one having come over to them?

Answer. Yes, sir; he referred to that posse, and he said the posse was camped at my house and everything was closely guarded. Gibson had told me in the mean time that he had given my letter into the hands of a friend, a gentleman who he was certain would deliver it to the family before sundown, or put it on the gate-post, where they could get it at milking-time. When Moore told me the posse was at my house I said "What has become of my letter?" He said, "I am afraid Fannie will not get it." I

said, "I am afraid so too, and it is very important that she should have it. She must have one." He says, "You shall have an opportunity of writing." Finally he went off a few minutes and came back and said, "Squire, we must get away from here." He unlocked me then and dropped the chain right there. He didn't pretend to take it up, but took the rope and led his mule and me both out of the thicket, across the fence, out into the road.

Question. Was this on Tuesday morning?

Answer. Yes, sir; Tuesday morning about 3 o'clock, as well as I can tell.

Question. Before daylight?

Answer. Yes, sir; 2 or 3 o'clock, judging by the travel that we did, up to daylight. I discovered a man sitting on a mule, or a horse, just to my right, north of me, as I came out. Moore had his gray mare there. That was a nag that had not been there. He had his mule with us all day, but his mare was there but no saddle. He put me on the mule and passed the rope down several times around the left leg and stirrup, around the mule, and tied it around the right ankle. He gave the double-barreled gun he had had all day to this man that was on the mule—I will call it a mule now, for looking at it I discovered the distinction—and bounded on his gray mare, bare-back, started off, and ordered us to follow. He immediately turned east on the south line of this thicket—this plum thicket—and kept in that direction until he passed out of the plantation. He traveled in about the same direction, through blind paths and woods to the place where Jim Bradford was living. He there tried to borrow a saddle of him, but Bradford was not at home; he didn't find anybody. He went on, keeping in an easterly direction. In the mean time, in going on there, I heard him calling this guard behind me by the name of Hiram. I made it up in my mind that when daylight came, if I had an opportunity, I would try to see who he was. About daylight we were going through an old field, and this guard called a halt, and rode up to us and remarked that he always did like, when he was in an old field about daylight, to have something to drink, and he pulled out a bottle of brandy, and him and Moore drank there—drank about all of it. It was a small quantity. I there discovered who he was. It was a man by the name of Hiram Higgins, who is named on the list of witnesses in the case against Moore. In traveling on from there in an easterly direction some two or three miles further, we came to a creek called Round Island Creek, and Moore turned down the creek. I was perfectly well acquainted with the whole country we had traveled over. I had no incumbances, except that my feet were tied under the mule. It was a terrible thicket. He kept on down the south direction, and crossed the Mooresville road and kept on pretty near to the Brown's Ferry road in the direction of Tennessee River. I there became alarmed, thinking, from the course they were going, that I would have one more trip to the river, and it would be my last. I asked Moore where he was going, or what he was going to do. He said, "I am going to Lincoln County."

By Mr. BUCKLEY:

Question. In Tennessee?

Answer. Tennessee. Says I, "You are going right towards the Tennessee River here. Right down there is Brownsville, and here is the Mooresville road, and here is Albert Yarborough's plantation, and over here is John Black's plantation." He gave a look about and discovered his mistake and remarked that he was lost. He looked about a minute or two and says, "We must get out up yonder." By this time it was broad daylight. You could see anywhere. Albert Yarborough's house was about a quarter of a mile from where we were, and you could see it plainly. We retraced our steps across a field until we struck the woods on the north of the plantation, and there turned east, going on rather in the direction of Athens through the woods, and Moore became very tired of riding bare-back and proposed a rest. He untied me and we all dismounted and hitched. I threw down my comfort that I had and laid down on it. He and this man Higgins were off some fifteen or twenty feet, talking pretty well all the time together. I was paying no attention to what they said. I think we staid there about an hour, and Moore said we must get away from here. He said, "I want breakfast." I commenced gathering up my quilt or comfort and taking up the rope; it was very long. I was taking it up out of my way. He said, "Squire, take that rope off. You are no longer my prisoner. You are at liberty and can knock around with us or go home." I remarked that I believed I would stay with him. I was bare-headed and had no coat; my chance of getting home was very suspicious; somebody might see me, and it probably would not be safe. Now, my real object in staying with him was, I thought that some of his body of men might be lying in ambush to kill me as I was going home; that he had now a witness by which he could prove that he had turned me loose safe at a certain place, and I determined on staying with him, knowing that I was liberated, and I was not afraid of his doing me injury individually. Well, he struck out from there and said he would go to Ben's and get some breakfast. I subsequently learned that that was a man named Ben Glaze, a relation of his. We put out; it was, maybe, a mile and a half or two miles to Glaze's, and we kept the woods pretty much all the time. We crossed the Brown's Ferry road in the mean time; I knew it

very well; I had a very good knowledge of the country and had had all the time; I could have struck out and made any point I might have wanted to pretty well. When he got to a certain place he turned out and went into a thicket and swamp—it was a dense thicket—and dismounted and told Hiram Higgins to ride up to Ben's and see if he was at home, and make arrangements to have breakfast. Higgins put out and reported that Ben's wife said that Ben had gone to Jones Lane for a load of cotton-seed and might not be back before twelve o'clock and maybe not before night, and it was a bad chance. Moore said, "I will go to the house." He got on his mule that had the saddle, the one that I had been riding, and rode to the house and returned and reported in the course of an hour that Ben was gone and there was no chance to get anything to eat before dinner; that there was a couple of strange ladies at Ben's, and he could get dinner when dinner was cooked. He didn't stay but a few minutes; he didn't want to arouse any suspicion. He had put up his mule at the house and fed there. He came back and in about a half an hour I heard the car whistle up at Athens, about two miles off. He brought dinner to us, and I ate dinner; it was very good, and I ate heartily. He went back then to the house, and Higgins and I enjoyed ourselves some, talking about one thing and another. We had been acquainted and knew one another well. We got to talking about old times and associates. Moore came to us along in the evening—well, about the middle of the evening—I think, and about two hours before night, Higgins left us and went home to Athens. The calculation was that they had got tired of hunting for me and had gone off, and that the squad had all gone back and that everything had cooled down, and Moore and I could make it home pretty easily. We staid there until about sundown, when we saddled up and struck out for home, keeping the woods and unfrequented wood-roads and paths, &c., keeping in a westerly direction toward home until dark, and then struck across for the big road, what is called the Florence and Athens road. I led the way, being the best acquainted with the courses and the section of country. I struck that road about five miles west of Athens. We kept the road on to within a quarter of a mile of my home; then I dismounted and turned the nag—his mare that I was riding—over to Moore, and he fixed up and went on home, and I went across to my home.

By the CHAIRMAN:

Question. What time did you reach your home?

Answer. It was evening; I reckon it was 10 o'clock. The family had all gone to bed. They had staid up tolerably late under the excitement. One or two of the neighboring men—my son-in-law was one—were there. They were acting as a guard. They had provided themselves with a pretty good supply of fire-arms, and I had to use a good deal of discretion to get to the house. It is unnecessary, however, to detail that. I found though, when I got home, that the squad that had gone out there had taken my daughter Fanny to Athens for safety, and that my son John was at Mr. Blackburn's, some three miles farther. The next morning I sent my son-in-law to town to get Fannie and bring her home, and acquaint the sheriff privately of the fact that I was safe and wanted to see him. I expected to carry out my contract with him. I do not know whether it is worth while to detail my determination in that thing all the way through or not. They were tolerably desperate; in fact, very desperate. Well, I will state it, anyhow. They had robbed me. I reflected this way: They were a set of outlaws; they had robbed me of the poor privilege of vindicating myself in our civil courts. At the same time they were depriving our civil officers of an opportunity of enforcing the law by forcing witnesses away from the courts; and I intended (and I took an oath on it) that they should not enjoy the victory long. Well, my son-in-law reported to the sheriff, and he immediately gathered up a posse and came out to my house and brought me to Athens and arrested Moore. He and Lentz both came out with a squad of men. They arrested Moore and guarded him at my house that night, and the next morning he brought him on to Athens, and he was there committed to jail.

Question. Is Moore now in prison on that charge?

Answer. Yes, sir; he is in jail in this place.

By Mr. BECK:

Question. Sent here because he is thought to be more secure here than in Athens?

Answer. Yes, sir. It was believed that his friends would make an effort to rescue him; and, another thing, the excitement of the citizens there was too intense. It would not have been safe for him to have given bond there in Athens and to have been turned loose. If he had given a bond and been turned loose he would have been killed before he got out of Athens. I am satisfied of that, for the excitement was intense against him.

By the CHAIRMAN:

Question. Now you may give the names of all the persons whom you identified, from first to last, in this second raid upon you?

Answer. Well, sir, Samuel Moore, Frank Gibson, Pink Johnson, Samuel Boyce, (I think his name is Samuel Boyce,) and George Peace.

By Mr. BUCKLEY:

Question. And this Hiram Higgins?

Answer. I will just make a little statement here in regard to Hiram Higgins that it is not necessary, I reckon, to take down.

By Mr. BECK:

Question. You had better do it, because Coleman spoke of it, too.

Answer. Well, sir, I will—

By the CHAIRMAN:

Question. I wanted to ascertain the names of all besides the persons already named and identified by you, who were concerned in this hanging and ducking that you have described, &c., from first to last.

Answer. These five were the men concerned in the ducking. There were five that I know that I saw, disguised parties who took me from home. The increase of numbers that I am satisfied of I was unable to see. It was only from noise of horses' feet, and talking, and hearing names called that I knew. Now, when I made my complaint Mr. Coleman wrote out the complaint, and he embraced in it the three Smiths, I think, and when he read the complaint over to me I stopped him at that point and remarked, "Captain, I don't wish to go any further than I can certainly identify in this matter." There was another lawyer present, Judge Common, and he remarked, "You have every reason to believe that they were along," and it was written to the best of my knowledge and belief that these parties were in. One of these Smiths has been arrested, and I delivered my evidence in detail about as I have here from first to last; but in the Smith case I could only deliver what I had heard. I could only speak of what I had heard, the name Smith called two or three different times, and Sunday I heard it called first, and I heard their names called Monday evening in connection with "the squad," or "my boys," I am not certain which, that Moore mentioned, and then I heard Moore say to Gibson, "I will take him to Smith's," and his aim to take me to Tennessee led me to believe that the Smiths were concerned. Smith proved an *alibi*—a very strong one. I didn't stay to hear the evidence.

Question. You may go on with the explanation that you were going to make in regard to Hiram Higgins.

Answer. In regard to Hiram Higgins I came to this conclusion, that I would not say anything about his being along to anybody as long as I could avoid it; that I would make an effort, if it should ever come to trial, and introduce him as a witness against Moore in regard to his having me as a prisoner. I had some suspicion that maybe he might be a particular friend of Moore, and he would get out of the way, or something of the sort; but after I came to town a friend came to me and asked me if I had seen Hiram Higgins? I carelessly remarked, "No; why do you ask the question?" He said, "I just wanted to know, because he told certain men that he had been with you and Moore; that they had been feeding you like a fighting-cock, and that man is no friend of yours, and he is making light of the matter, and I got around Higgins, and he told me he was with you." Said I, "If he has told it himself it is so. I will say he was there;" and I then told him about the whole transaction with Higgins, and I told Captain Coleman. Captain Coleman left it with me whether he should include Higgins in the warrant, and have him arrested, or leave him for a witness, and I decided that I would rather have him for a witness. I thought it would be a benefit. I consulted with men who knew him well, whether he would be reliable or not. They gave it in that he would be reliable, and would give in what he knew; and he has told a party there pretty well the whole thing; never in my presence, but I have been told what he said, and I felt safe in having him as a witness.

By Mr. BECK:

Question. What excuse did Higgins make for his being there?

Answer. He came to me—I forget the time. I believe it was on the morning; well, it was after Moore was put in jail; it was some time between the time I came up to Athens and the trial of this man Smith; it was in the course of a week or ten days. I did not get through with Smith. By the way, I forgot one thing that I ought to state in connection with him. That was, that when Smith was arrested they found three suits of disguises in his possession.

By the CHAIRMAN:

Question. Let me ask you at this point how these disguises corresponded with the old-fashioned Ku-Klux disguise?

Answer. Well, sir; I don't know that I ever saw an old-fashioned Ku-Klux garb. I wish to say something after I get through with this in regard to other transactions that have taken place.

Question. Go on and finish up your statement, then.

Answer. I was on Higgins. Higgins came to me rather in a pleasant way, laughing,

and told me "I had no ill-will toward you in going to them fellows the other night. My object was to find out all I could. I have studied devilment so much all my life, I can catch almost anybody I want to. I knew if I could get with them I could find out where you were." That was his explanation, in about those very words. I remarked, "Hiram, I have no ill-will towards you; you did not hurt me."

Question. Did you think his statement to you was sincere?

Answer. Yes, sir; I did not dispute it. I had no right to dispute it.

Question. Do you think he really meant to befriend you in quitting with this gang?

Answer. I am not well enough acquainted with him to dispute his word.

Question. Was he under the influence of liquor when you first saw him with this gang?

Answer. Yes, sir; from his actions he seemed to be very stupid, and would lag behind a good deal. I put it up, and he has told some of the parties that he had been drinking.

Question. Was he on foot?

Answer. On horseback all the time. I understand that he told parties that he had been drinking, and wandered off with some other man, and found himself at Gibson's. That is somewhat equivocal. It is mentioned that he went there with a man named Wammach, that brought Sam Moore's gray nag to him.

Question. Have you anything further to add, Mr. Weir?

Answer. Well, sir, if you will permit me, I will give you something of my observations of some other cases and things, and matters in the country for the last three or four years.

Question. Occurring in Limestone County?

Answer. Yes, sir. Captain Coleman neglected —

By Mr. BUCKLEY:

Question. Before commencing that I will ask, was the term of the court approaching when they took you out the last time?

Answer. Yes, sir.

Question. How long before the holding of the court?

Answer. One week; on the Monday they had me a prisoner the court was just that day week. Our judge holds his county court every third Monday, and this was the second Monday of the month that I was a prisoner with them.

By the CHAIRMAN:

Question. In the second seizure of your person and maltreatment, running through two or three days, as you have described it, did this man Moore seem to act as captain throughout?

Answer. Yes, sir, as commander. I regarded him so, and they all seemed to yield to his command in every phase. In both cases he has acted in the capacity of commander; and he named that in his remarks to me; that he had hard work to save me.

By Mr. BUCKLEY:

Question. Is that the same man Moore now in jail?

Answer. Yes, sir.

Question. Is he the same one who was announced this year as candidate for sheriff of Limestone County?

Answer. Yes, sir.

Question. You spoke of a letter which got out, written, I think, by your daughter?

Answer. It was written by my wife. The circumstances of that letter I can relate in detail from my family. I was not present. I can give that; if it ever comes up, my wife and daughter will both sustain it. I had written two letters home—one from Eastport and one from Iuka, Mississippi. I wrote them within two or three days of each other. I directed my wife, if she received my letter in time, to get an answer to Iuka by the twentieth of the month; to write and to use the name of her brother in the direction. She had two or three brothers in Mississippi, but not in that part of the State. One of them we had been regularly corresponding with for some time.

Question. You directed her to direct your letter in his name?

Answer. Yes, sir; in his name to me. In that way I aimed to keep the parties from knowing where I was. She wrote the letter and took it to a friend—Parson Dunn—an upright man and a good friend, and got him to back the letter, giving the direction. Also to back it to have it returned if not called for in such a time, to be returned to Susan F. Weir, at Athens. Parson Dunn gave the letter to a mail-carrier—it is a horse-mail, as it is called, that passes from Florence to Athens, two trips a week, round trips—a very good boy that frequently carried the old gentleman's mail and would bring his mail back from Athens. The old man would not have the letter mailed at the office a mile below, where Blair lived.

Question. Is Blair the postmaster at your nearest post-office?

Answer. Yes, sir.

Question. The same Blair concerned in this affair?

Answer. The father. I don't know which of them have the office. I do not know that either of the parties are responsible. They have an office there and there is a mail distributed at that place. The mail-boy, having a good deal to do and several packages, forgot the letter. I don't suppose he thought of it until he passed Parson Dunn's and delivered him some mail, and the old man asked him if he had put that letter in the office. He remarked, "Yes," and passed on; but, in fact, he had forgotten the letter, and he told the story to the old man, but thought he would make it all right by mailing it at the Lucky Hit post-office, where Blair was postmaster, and he handed it in there. He was ignorant of anything being wrong, but there was my wife's name on the letter, and she right there in the neighborhood. That letter went out from that office, for on the 18th—the letter was dated on the 10th or 12th—on the 18th these parties made a raid, that I have stated here, on my family, ordering them to leave, and produced that letter, and tantalized my wife with the language she had used in it. She had stated in the letter that this man Pollis, as she has told me, had come to the gate the next day after I left, and she had ordered him off.

Question. Have you reason to believe that the United States mail was interfered with to get that letter out?

Answer. There is the best evidence. You will find that Parson Dunn will state that he gave the letter to the boy—the mail-carrier—and the boy says he handed the letter in there at that office. There is the evidence.

Question. At Lucky Hit?

Answer. Yes, sir; and this is the identical letter my wife had written.

Question. Do you know whether the letter was postmarked at Lucky Hit or not?

Answer. No, sir.

By the CHAIRMAN:

Question. Who did the boy say he delivered it to at the post-office?

Answer. If he has stated to which one of the family, I do not remember it.

Question. You say old man Blair is postmaster there?

Answer. I think he is.

Question. Has his son access to the office?

Answer. Any member of the family has. I have been about there a great deal. There was a post-office kept there before the war, and during the war, and all the time. I have lived within a mile of the place for eighteen years, and any member of the family, male or female, handles the mail.

Question. What were the politics of the postmaster, old man Blair?

Answer. He was an old-line whig before the war, and he is now acting with the democratic party. He held out very strong Union for nearly the first year of the war, and then changed over, and went for the Southern cause heavy. That is his politics. Those are the circumstances of the letter. It was clearly identified first by the paper. My wife, not having any letter-paper, took a sheet out of my day-book, or rather the book that I keep as a docket in my office. It was check-ruled and lined, and she had written it with red ink. Then the language, too; they read the letter to her that night, and they came over the same language she had written to me. She made an attempt to get hold of the letter, and got her hands on it once, but they snatched it back; she did not get to retain it.

Question. During this second raid, was anything said to you from first to last by any of the parties that were connected with this outrage upon your person about your political sentiments?

Answer. I do not think there was. I have no recollection that that was mentioned at all. Under so much excitement it is hard to recollect anything, but I do not think they ever said anything to me about political matters at all.

Question. What was the political status of each and every person connected with this second outrage upon your person?

Answer. Well, sir, I regarded it as very low.

Question. I do not speak of their moral or social status, but what was their politics?

Answer. They gloried in the name of rebel or democrats. They are what they generally term there, and in Alabama here, the conservative democratic party. That is the name of the party now.

Question. This man Moore, you say, was a candidate for the nomination of sheriff of Limestone County?

Answer. Yes, sir; he was an independent candidate, and run outside of the convention.

Question. I think you said he was a democrat also?

Answer. Yes, sir.

Question. Was he regarded as a leader in that part of the county—prominent as a democrat?

Answer. He was distinguished as a leader down in the neighborhood.

Question. Do you mean as a political leader?

Answer. Yes, sir, and a leader in the neighborhood. Captain Moore was very popular right in that neighborhood. He had some popularity right in that neighborhood, so I

have learned recently, but, as a leader, he has no popularity in the county. He is not recognized by such men as Captain Coleman and other men of that kind.

Question. You expressed a wish to give an account of other disturbances in that part of the country during the last two or three years. You may proceed to make such statement as you desire.

Answer. It was my calculation to do so, if I was permitted, when I first started up here. I wanted to give the committee all the information I could, and Captain Coleman told me this morning he had forgotten some things that he wanted to bring to the notice of the committee.

Question. Go on with your statement.

Answer. I will remark here that during the existence of what I understand to be the original Ku-Klux organization I never saw any of them. I never was interrupted or troubled, notwithstanding there were some men of a certain class that I had but little regard for their opinion, who had a prejudice against me in regard to my politics; but gentlemen, or men who I regarded as gentlemen, or leading men of the democratic party, never mistreated me socially, or in any way whatever. I have never been so treated.

Question. You were always free and outspoken in your sentiments?

Answer. Yes, sir; some of my neighbors and I have argued the same as we used to.

Question. Did you vote your sentiments at the election?

Answer. Yes, sir, at the election; every election I could get to.

Question. Did you vote for Grant and Colfax?

Answer. Yes, sir.

Question. Where?

Answer. At the box down there.

Question. At your own precinct?

Answer. Yes, sir. I do not remember that I have ever missed any election, and I have always voted that ticket; done it independently. 'Some would look at me with a scowl, while others would laugh at me and joke with me.

Question. You voted solitary and alone?

Answer. Yes, sir; solitary and alone. No, I have never had any reason to complain at all of any ostracism, or any difference in a social way, by gentlemen.

Question. Were you in that county during the war?

Answer. Yes, sir.

Question. Were you not conscripted?

Answer. No, sir; I was past the age. I was too old, and I was a cripple.

Question. In your hand?

Answer. Yes, sir. As I remarked in regard to the Ku-Klux, I never saw any in the time of what was considered the original organization.

By Mr. BUCKLEY:

Question. What time was that?

Answer. I think it commenced in the latter part of 1867, but I am not certain about that. I think in 1869, along, maybe, about the summer of 1869, it was published in our county papers that the Ku-Klux order was disbanded, in obedience to law. The legislature of Alabama had passed a very stringent law in relation to the Ku-Klux.

Question. They had passed that law in 1868, in December, had they not?

Answer. Yes, sir; I think it was in 1868, in the latter part of the year; that is my recollection. I recollect distinctly of one notice in the paper, commanding all dens—I think that was the term used—to disband, and that the order was disbanded in obedience to law.

By the CHAIRMAN:

Question. Who was that order signed by?

Answer. By the Cyclops—the Grand Cyclops.

Question. That was the signature?

Answer. Yes, sir; that seemed to be the head man of the order. I took it in that way.

Question. That, you say, was in the summer of 1869?

Answer. Yes, sir; I think so. After that I could hear of small squads, small bodies of disguised parties, in different localities, and violence being done in different places. In one case there was a negro boy most shockingly butchered up and scarified with knives. I saw him a week after it was done.

Question. What case was that?

Answer. The case of young Blair.

Question. We have had his father, Augustus Blair, here.

Answer. I saw him after it was done and heard his statement. Last December a year ago—I think it was about the time—there was a man named Barbee brought before Squire Blair and myself, on a charge of hog-stealing. The man had a good deal of character at stake. He had been and was regarded as an acceptable minister of the

Methodist Church, and a Mason, and all this sort of thing, and he presented his case pretty strong. We had given him a chance. He had given bond for his appearance. We gave him a chance to get up evidence twice, I believe. At one certain time he made his appearance, and the case was passed over to the county court. We had got the solicitor, Mr. Hayes, the then acting solicitor. He came out, and the case was taken from the justice of the peace and turned over to the county court. He gave bond for his appearance at the county court, and all was going on well. There had been a considerable of a crowd around during the day, but had pretty much disbanded; but along in the evening, an hour or an hour and a half before night, I walked up from the house, thinking about going home, and out about the big road at the gate, I was talking with some neighbors who were there, and happening to look off a piece I saw a gang of men. I supposed them to be men; they were in disguise. I think that was the first disguised party I ever saw, to the best of my recollection.

By the CHAIRMAN:

Question. How numerous were they?

Answer. There were eleven; they were riding in the direction of the house. Barbee had been accused of being a Ku-Klux, and I didn't have any doubt but what he was or had been; and the first impression on my mind was it was some of his friends from the other side of Elk River—for he lived in Lauderdale County, and the accusation was brought in Limestone—who had come to rescue him. I put out to the house to notify the women that the Ku-Klux were coming, and not to be alarmed. I left the big road for the house to notify the women that they were coming, but they hurried up very fast, and I would not run. I took that precaution. I only walked peert, and they passed me within about twenty feet of the door of the house, going to the office.

Question. Whose house?

Answer. Doctor Blair's house; it was at Blair's office, and they came very near getting in the door. I suppose Barbee was standing with his back at the door before they discovered him. He pitched out at another door to get away, and they commenced firing on him and ran clear around the house. By this time I had got into the passage. It was a double house, and I could see the whole operation. Part of them followed him around the house—six or eight of that bunch that came on the house. Some turned back the way they came, and I think he was fired at some twenty or twenty-five times, they running and firing. He was outrunning them, and was about to get out of the gate, but three or four of them headed him at the gate and they captured him there and struck him two or three times over the head with pistols and made him submit and give up, and they took another man that was under the same accusation.

By Mr. BLAIR:

Question. Of hog-stealing?

Answer. Yes, sir; they took them off to the woods and whipped them. I didn't see them whipped, but they brought them back after a while and turned them over to the civil authorities, telling us that they had got the truth out of them; that they had acknowledged everything that they were accused of. That was about the last I ever saw or heard of them. I knew none of them in that party. I saw the place where he was whipped; saw the hickories; I knew the point; I could see a glimpse of them from the place where I was by the house. The next raid in the neighborhood was a company of eighteen that run off a couple of men named Wisdom, and wanted to capture them for some cause or other. I never heard the cause.

Question. When did that happen?

Answer. In June of last year.

By Mr. BUCKLEY:

Question. White men?

Answer. They were disguised men.

Question. But were the Wisdoms white men?

Answer. Yes, sir; Wisdom said he recognized a good many of them, but I didn't see any of that party. On the same day there was an orphan boy in my neighborhood that was taken from his work in the field and whipped badly.

By the CHAIRMAN:

Question. By this same band?

Answer. It was done on the same day. I did not see any of them. The boy was an orphan and lived with his grandfather. His father and mother are both dead. He is between fourteen and fifteen years old. His aunt told me that he was so bloody that his shirt stuck to his back, and the boy is an exile from the State now.

Question. What was Wisdom whipped for?

Answer. They did not whip him. There were two of them together, and the parties knew that the Wisdoms would fight. They have that character—that there is no back down in them. They walked out of their houses with their pistols in their hands and walked off from the house to the woods.

Question. These eighteen men that made this run upon Wisdom you say were disguised?

Answer. Yes, sir; so the Wisdoms said.

Question. And armed?

Answer. And armed.

Question. And mounted?

Answer. And mounted. Wisdom told me he recognized some of the horses and several of the men. He said, "I have shod some of their horses."

Question. Did he say whether their disguises conformed or corresponded to the disguise of the Ku-Klux organization?

Answer. I never questioned him on that.

Question. Did you know what they charged Wisdom with, or what the complaints were?

Answer. No, sir. I supposed, and it was only a supposition, that it originated with a fight he had had with a man named Yarborough, some two or three weeks before that. Yarborough had taken out a warrant after they had a fight—a fisticuff fight, without weapons. Yarborough went to Squire Blair and took out a warrant, and Wisdom did not want Blair to sit on the case, and sent for me to try the case. Myself and Squire Blair heard the evidence, and it was clear that there was no weapon used at all. Under our statute it was clearly within our discretion, and we fined Wisdom three dollars—I believe that was our decision—and the costs, which were seven or eight dollars. I do not remember what it all amounted to, but that was our decision in the case. I learned afterward that Yarborough was very much dissatisfied with the decision; blamed me for controlling the decision; but I paid no attention to that.

Question. What was his complaint; was it that the fine was not large enough?

Answer. Yes, sir.

Question. And so the Ku-Klux proposed to increase the penalty?

Answer. Do not understand me as saying that. This is what Wisdom informs me he gathered from isolated remarks. I am only speaking of these rumors. When I learned that I was blamed by Mr. Yarborough for giving that decision, I paid no attention, for I looked upon Mr. Yarborough as a gentleman.

Question. But Wisdom thinks this Ku-Klux raid was instigated by Yarborough?

Answer. Yes, sir.

Question. And what was the orphan boy whipped for?

Answer. Nobody knows. He is only a boy of thirteen or fourteen. There could have been no politics in that.

Question. Were the men who whipped him disguised men?

Answer. He told it before he left the country that this man Moore was one of them that whipped him. We are making efforts to get that boy back here to appear against him at our circuit court.

Question. Go on and state any further instances in your knowledge?

Answer. A man named Simmons, living out northwest, a very nice old gentleman, was whipped some time ago, and is now an exile. That is about all I know. There are other parties can give you further information.

Question. When was Simmons whipped?

Answer. I don't know at what time, but I think during last winter. I never heard of it until a few days ago.

Question. What was his alleged offense?

Answer. I have not learned. I do not know anything about his politics, but very respectable men have told me that he was a nice, honest man.

Question. Was he a citizen of Limestone County?

Answer. Yes, sir.

Question. All these whippings were in Limestone County?

Answer. Yes, sir.

Question. Is Simmons said to be a refugee on account of this visit of the Ku-Klux?

Answer. Yes, sir. Judge Common called my attention to that case last evening. I think he had had some witnesses before him in reference to that case, and a case Mr. Coleman, I suppose, told you of—the case of Scales. There is a man named Gordor, that formerly lived on the same ground that this man Frank Gibson lives on now, who is also a refugee from the State, and now in Tennessee. He was driven off. I saw a piece he published after he got his family into Tennessee.

Question. He was driven off when?

Answer. In 1870.

Question. About what time in 1870?

Answer. About June, or along in the summer.

Question. Was he visited by a Ku-Klux raid?

Answer. Yes, sir.

Question. State the circumstances.

Answer. The circumstances appeared to be that Gibson had applied to me or been talking to me along in the latter part of the winter, before, or in the spring, about a

certain charge he preferred against Gordon, in regard to some property that Gordon had once given a lien upon to parties in Nashville, and these parties in Nashville were particular friends of Gibson. Gibson appeared and claimed that he had evidence that Gordon had run this property off in violation of law, and he wanted to get at him and have him arrested under the charge, and asked me to examine the law on the subject. I had done so, and told him under the statement he had made I could issue a warrant for Mr. Gordon's arrest if he would file his affidavit according to the statement he had made. He said he would come over some time and do so. Long some time after that conversation he named to me one day, "I have spoken to Mr. Elliot, a constable in Athens district, twelve miles off, to come out at his convenience and arrest Gordon." When he came I was out of the way. The warrant was obtained of Squire Blair. Elliot went and arrested Gordon, and took him to Gibsons's house to guard him over night. They were in a room together, and four disguised men entered the room, and, under threats, they forced Gordon to relinquish some and sign certain papers, and ordered him to leave the country. He did leave. We heard of the transaction. He left in a short time; and it was a very short time after he left until his family left, and there is an indictment out now against Gibson for that transaction. It was found in the last circuit court we had in our county.

Question. Is it known who were the other persons besides him concerned in this duress?

Answer. No, sir. Gordon accused certain men in the neighborhood of being the disguised party. He may be correct or mistaken. I gathered the most of these facts from the talk in the neighborhood, and from Mr. Gordon's publication after he went to Tennessee, forbidding any person trading for, or having anything to do with those papers.

Question. Was any use ever made of these papers after he signed them?

Answer. Not that I know of. It was but a short time until Gordon forbade that.

Question. Gordon has never returned to that neighborhood?

Answer. No, sir. He was down here last fall, at the term of the circuit court of Limestone County.

Question. Are there any other instances you wish to state?

Answer. I believe that is about all I know of. I would just simply remark now in regard to my own case, repeating what I have said, that while I think and have reason to believe that the Blairs and Moore might use the political prejudice to accomplish a cowardly act which they had not the moral courage to perform themselves, I have no complaint, in a political way, to make against anybody. The people of my county have acted in my behalf extraordinarily. The commissioners' court met and made an appropriation of money, and employed the best counsel of the county to prosecute in the first case.

Question. Captain Coleman told us about that yesterday.

Answer. They have had a public meeting called, and the people have indorsed their action.

Question. We have their resolutions here.

Answer. I wish to make the further statement in regard to the people who have come up to my relief as nobly as they have. I think they deserve full credit. Their manifestations seem to show that they are determined to enforce the law if they can, or they will make the efforts at all events.

Question. I was about asking you if you knew any instance in Limestone County, of colored people being whipped?

Answer. I don't believe I can bring any instance to my mind in my section of the county. I have heard of a great deal of it up in the northeastern portion of the county.

Question. Are you a reader of the newspapers published in Alabama?

Answer. Not regularly. This Blair case and this Scales case are the only cases I can think of of any colored persons being whipped.

By Mr. BUCKLEY:

Question. Are there many colored persons living in that immediate neighborhood?

Answer. Not immediately. There are some two or three living within a mile of Dr. Blair's. There is one case I remember, I believe on the same night that this Blair boy was scarified so badly. There was a black woman whipped, who was living on Dr. Blair's land, about a half or three-quarters of a mile from my house, on a new-settled place. She came to my house the next morning, and was telling my wife and crying about how badly they had whipped her, and she immediately broke up that day, or commenced to move back two or three miles to her former owner.

By the CHAIRMAN:

Question. What account did she give of her being whipped?

Answer. I do not remember. I did not hear it all.

Question. Did you understand that it was done by disguised men?

Answer. Yes, sir; disguised parties.

Question. About what time was that?

Answer. I cannot tell exactly. It was done the same night that the Blair boy was whipped.

Question. What was this Scales case you referred to two or three times?

Answer. Well, sir, I do not know. I take it somewhat from experience; it is necessary to give a dog a bad name in order to get a good excuse to kill him. That man had the character of being a very impudent, dangerous negro, and had gone to two or three places in the neighborhood to white men and cursed them.

Question. What was done with him?

Answer. He was killed.

Question. By whom?

Answer. By disguised men.

Question. When did this happen?

Answer. That happened in the early part of 1870, but I will not be certain.

Question. How many were said to be in the band?

Answer. Ten, I understood.

Question. Was the matter investigated?

Answer. It is under investigation now. Judge Common had some witnesses up before him last Saturday. He told me Saturday evening what facts had been developed in the case. They are hunting that case out.

By Mr. BUCKLEY :

Question. You are a justice of the peace now, are you, in Limestone?

Answer. Yes, sir; I would be if at home.

Question. You hold your commission by appointment from Governor Smith?

Answer. Yes, sir.

By Mr. BECK :

Question. Whatever may have been the condition of your county in times gone by, is it not a fact now that all men of all political parties are endeavoring to restore quiet and peace in the country, and put down the lawlessness of disguised bands in every form?

Answer. That is my belief and observation.

Question. Are your officials and officers of the law, as well as the citizens, showing very great vigilance in endeavoring to do so?

Answer. Yes, sir; we are doing so; and then opportunities are better now for getting information and acting than they have been. They seem to have shaken off that fear that they have been under of these bad men.

Question. Public sentiment has not only turned against it, but assumed an active form.

Answer. Yes, sir; an active form. That is just the way I wish to be understood.

Question. For some time, while things seemed against public sentiment, it did not seem to act?

Answer. No, sir; and it was crippled, and the witnesses were getting out of the way.

Question. Now it is good, and especially when they think the law will protect them, and they come up?

Answer. Yes, sir; my own is the only case where it has come forward and been sustained.

Question. Some of your officers are democrats and some republicans, but all are acting in concert on this subject?

Answer. Yes, sir.

Question. Is it not true that in that county you have always, perhaps, had a gang of bad men making a dishonest living?

Answer. Not to my knowledge. Before the war we were remarkably conservative in morals.

Question. I beg pardon; since the war?

Answer. Since the war there has been everywhere. There were viciously disposed men in the army. Some practiced it while the war was going on. They would not stay in the army, but stay around home and steal. They called it capturing. They have been carrying it on ever since.

Question. These bands of men have given you a good deal of trouble in the last few years?

Answer. Yes, sir; it has been worse the present year than before, I think; that is, I have heard more of it. More horse-thieves have been captured, and, as a general thing, I think, these horse-thieves have been captured with disguises. There is one case in jail now at Athens.

Question. They disguised themselves for the purpose of more secretly carrying on their devilment?

Answer. Yes, sir. I regard—this is one thing I would like to have put in my main evidence, and I hope it will be no harm now—I regard these parties, as far as I know

or have knowledge of them doing their devilment, so far as politics is concerned, as destitute of principle, and if the republican party were in majority as the democrats are they would as easily be republicans as they now are democrats.

Question. In other words, they are men who have no political principles or any other principles?

Answer. No, sir; no political principles nor stamina about them.

Question. You think the old Ku-Klux organization was broken up in your county some time in 1869?

Answer. Yes, sir; well, at the time this publication appeared.

Question. After that law was passed?

Answer. Yes, sir.

Question. Was it not a fact that up to December, 1868, you had no means of punishing men who rode about with disguises on at all in Alabama unless they committed some offense?

Answer. No, sir; there was no law touching a disguise; no means of punishing them.

Question. A man might be seen about town, and unless he committed some depredation you had no law which could reach him?

Answer. No, sir; at the same time there was a fear, when it first started, an awful horror was manifested of these disguised men. It was reported currently everywhere that if you said anything against one of them they would visit you, and if anything was said derogatory of any act they did they would take you out. These reports being circulated—I do not pretend to say whether they were correct or not—it put the whole body-politic under fear. They were afraid of them.

Question. The difficulty you had before December, 1868, was that unless you caught them doing some mischief, the mere fact of their being disguised and in bands did not enable you to reach the case under the civil law?

Answer. There was no civil law reaching the case. The law was passed in December, 1868. It was very obnoxious for a while.

By Mr. BUCKLEY:

Question. Was not that law very bitterly assailed by the democratic press of this country?

Answer. Yes, sir; very. But some of those men that assailed it bitterly have taken hold of it and regard it now as the best law in existence; Captain Coleman for one. I have heard him so express himself; he would not have the law repealed for any consideration.

By Mr. BECK:

Question. What were the Wisdoms' politics?

Answer. They were democrats; at least I think so. I never heard them say.

Question. What were these other men who were charged with hog-stealing—Barbees?

Answer. They were democrats. Gordon was a democrat. That is the man that run off to Tennessee.

By the CHAIRMAN:

Question. You have said that everybody else up there were democrats except yourself?

Answer. Yes, sir.

By Mr. BECK:

Question. You said in your own precinct?

Answer. I believe the Wisdoms and Gordon and this boy were in my precinct.

By Mr. BLAIR:

Question. You attribute your treatment by these people entirely to the business difficulty you had with them?

Answer. I attribute the start of it to the difficulty I had with them, the old grudge between the Blairs and myself, who, as I have repeatedly stated, took advantage of a political prejudice in a class of men who did not know me, to accomplish that which they lacked the moral courage to do themselves. They could never have any influence with the old citizens of the county. These men are all adventurers, and, I think likely, a good many of them—a majority of them—are men who cannot stay where they formerly lived.

Question. Bad men?

Answer. Yes, sir. This Billy Blair formerly lived in Lauderdale County. After he had married and gone to himself, he lived in Lauderdale County for a number of years, I don't know how long. He staid as long as he could. But he cannot live there. I have been informed by good reliable men that Blair cannot live in his old neighborhood.

By the CHAIRMAN :

Question. You say that the Ku-Klux law, enacted in December, 1868, by the Alabama legislature, was bitterly assailed?

Answer. Yes, sir; it was bitterly assailed and denounced.

Question. By whom?

Answer. By the democratic party, by the opposition to the republican party. That law was passed by a republican legislature.

Question. How long did this denunciation of that law by the democratic party continue?

Answer. It continued up until about twelve months ago.

Question. What was the cause of their change of tactics, and why did they fall suddenly in love with the law?

Answer. It was necessity. There was this Barbee matter, and these Wisdom boys, and some few others, as many as some eight or ten, were accused, and probably justly too, but I don't pretend to say. I never saw them to see whether they were in disguise, but they were under the accusation of riding around the country in disguise, visiting different places, and while they were at that, during the time they were riding around, they visited a Mr. Nixon, who resides near a church. They obtained paper, pen, and ink. They got the pen from Mr. Nixon, and wrote a notice, and put it up on the church, naming certain men in the neighborhood, and accusing these men of being Ku-Klux, and riding around in the country in disguise, disturbing honest men who were at their labor, trying to make a living, and so on, and "If this thing is not stopped you will die unawares." I heard the thing read, and I think that is pretty much the purport of it. I was at work at Mr. Gibson's during the time these parties were riding around. They were regular, every few days, for some two or three weeks, and nobody seemed to know who they were. Just from observation as I was working there at Gibson's and saw men coming to him, and talking together privately, I saw at once that there were two elements at work. There was a counter-irritant somewhere, and I kept watch to see what would be the result of it. It finally resulted in the death of a son of Dr. Blair, killed accidentally, and in the death of this man Barbee, whom they had got out a warrant for, and gone and arrested him in Rogersville, and were bringing him to jail, or ostensibly bringing him to jail, when he made an attempt to get away, and was shot badly, but he got away. They found him next day, and he was killed.

Question. Do I understand that this reaction was caused by the killing of democrats by the Ku-Klux?

Answer. Well, that is the way that the thing came out. The Wisdom boys were arrested, a man named Miller was arrested, and a man named Goode was arrested—all under the charge of being out from home in grotesque disguise, &c., and they had to come. Captain Coleman was then one of the prosecutors in that case—perhaps the leading member of the prosecution—and in order to reach these fellows, they had to take hold of this law that had been so obnoxious.

Question. Is that the time you referred to in your answer to Mr. Beck, when the spirit to enforce the law commenced springing up?

Answer. Yes, sir; that is the time, and still from that time on. There has been a pretty strong manifestation from that time, but it has developed itself stronger in my case than in any other.

Question. I wish you to state to the committee on what grounds opposition was made by the democratic party, so far as your knowledge and information extend, to the enactment of the Ku-Klux law of December, 1868.

Answer. Well, sir, I can give no particular grounds, but generally the position of the party then, as I understood—the position of the democratic party as shown by some public meetings and resolutions passed—was that they regarded the whole structure of the State government then in existence as a usurpation and fraud. They did not consider it legal.

Question. Do I understand you to say that this law was not more denounced by them than any other laws enacted by that republican legislature?

Answer. Well, I do not know that it was. There were several other laws—there was a general complaint against everything.

Question. But was not there a special complaint against this law, and did you not hear it denounced more than any other act of that legislature?

Answer. Perhaps I heard more said about it.

Question. Can you state to the committee the reasons assigned for their opposition to it?

Answer. I do not know that I ever heard any special reason assigned outside of the constitutionality of it.

By Mr. BUCKLEY :

Question. Did they not also deny the necessity for any such law; was not that the main cause of complaint?

Answer. I think this was the way; they never denied the necessity. I have heard this

said, and I was partly of the same opinion myself, that the law was a nullity, from the fact that I did not see where they could reach these disguised parties. The trouble was to find out.

By the CHAIRMAN :

Question. Was the ground of denunciation that the law could not be put into operation ?

Answer. Well, I am not clear upon that. What political attention I paid was general.

Question. Did I understand you to state distinctly that this order of the Grand Cyclops which you saw published in the newspapers, disbanding the organization of the Ku-Klux Klan, was made subsequently to the enactment of this law ?

Answer. Yes, sir ; that is my understanding ; and I recollect distinctly it stated that they were disbanded in obedience to law.

Question. So that the Grand Cyclops recognized the validity of the law ?

Answer. Of course he did by that act.

Question. I will ask you to state whether any effort was ever made to capture or punish members of the Ku-Klux Klan until within a few months past in Limestone County.

Answer. None, until within about twelve months, of these disguised parties. It is about that time, or within a short time of twelve months, I reckon. This advertisement I spoke of that was put on the church was in September, 1870, as I recollect, and it was during that month, I think, that the great excitement was in the neighborhood and the arrest of these men.

By Mr. BUCKLEY :

Question. Do you think that these bands now riding, or riding until recently, over your county were members of the order or organization previous to the issuing of that order by the Grand Cyclops ?

Answer. There are some of them that I do not think belonged to the old organization.

Question. Some of them you think did ?

Answer. Some of them I think it likely did. I think this Moore was, from information ; I think it is generally conceded that he was a Cyclops in the original organization.

HUNTSVILLE, ALABAMA, October 10, 1871.

WILLIAM H. LENTZ sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?

Answer. I reside in the county of Limestone, Alabama.

Question. What office do you hold ?

Answer. I hold the office of sheriff of Limestone County.

Question. How long have you held that office ?

Answer. About three years.

Question. Are you a native of that county ?

Answer. Yes, sir, I am.

Question. Did you live in Alabama during the war, and have you lived in it ever since ?

Answer. Yes, sir ; I was born in the county of Limestone, and was raised in the same county. I live thirteen miles west of the county seat, though.

Question. Please state to the committee what instances of outrage upon individuals by men banded together, and in disguise, have come to your notice during the time you have been sheriff, throughout Limestone County ?

Answer. I will have to study on that. Do you want me to give them all ?

Question. I am asking in a general way about the number.

Answer. Well, I think there have been from ten to fifteen somewhere.

Question. Upon what class of people were most of the raids made ; white or black ?

Answer. Well, those raids have been made upon both classes, white and black.

Question. Did you ever see any portion of this organization known as the Ku-Klux in their costumes ?

Answer. Yes, sir ; saw them as often as three times, I think.

Question. In what year ?

Answer. Well, in the year 1868 I saw thirteen in our county town at one time, and at another time I saw some twelve or fifteen. I did not count them. The day of the presidential election they came in town there.

Question. You may describe, briefly, the disguises they wore. First state whether they were mounted or on foot ?

Answer. They were mounted.

Question. Were their horses disguised ?

Answer. Yes, sir ; they were covered—disguised.

Question. Go on and describe the character of the disguise.

Answer. The disguises, I presume, were made of calico—a kind of calico robes loosely worn, and then a disguise over the face.

Question. How do the disguises that have been worn in 1870 and 1871 compare with those that were worn in 1868?

Answer. I have not seen any in 1870 and 1871, only some that were captured the other day, and they compare very well. In arresting a man we got three disguises some three weeks ago.

Question. The disguise covered the body, the head, and the face, I understand?

Answer. Yes, sir.

Question. Was there anything hideous about the face?

Answer. Yes, sir. There is long hair, I suppose about a foot long, coming out as if it were mustaches, hanging down at least a foot.

Question. Any horns on the head?

Answer. No, sir; no horns.

Question. Do you know where these disguises were manufactured?

Answer. I do not.

Question. Did they show skill in their construction?

Answer. Yes, sir; some skill.

Question. You say a company rode into Athens on the day of the presidential election?

Answer. Yes, sir.

Question. At what hour in the day did they visit the town?

Answer. About eight o'clock in the morning.

Question. How long did they remain?

Answer. About half an hour, I presume.

Question. What did they do while in the town?

Answer. They did not do anything.

Question. Did they ride around the streets?

Answer. They rode up on the west side of the square, and through the square, and down to where we had some soldiers camped, and talked with them a few minutes, and then rode out the way they came in.

Question. Did you hear the conversation between them and the soldiers?

Answer. No, sir.

Question. Do you know what they said?

Answer. I heard what it was.

Question. What was it?

Answer. They told the commander of the squad, so he told me, to keep order there that day, and, if he could not keep order, to call upon them, and they would help him assist him to keep order among the citizens, the voters.

Question. Was any disorder apprehended?

Answer. No, sir.

Question. Who did these gentlemen think or say would create disorder?

Answer. They did not say. They said if he could not keep order, to call upon them to assist, and they would assist.

Question. How strong was that military squad in your town?

Answer. About twenty.

Question. Were they Federal soldiers?

Answer. Yes, sir.

Question. How long had they been located in your town?

Answer. About two days. They came down just two days before the election, to stay during the election.

Question. Had it been noised throughout the county that these soldiers were there?

Answer. No, sir.

Question. There was a possibility that these Ku-Klux did not know whether these soldiers were there until they got there?

Answer. I am not prepared to say whether they knew it or not, but I think it is likely they must have known it.

Question. What do you know of the negroes being visited and their arms taken away by these bands in disguise?

Answer. Well, I do not know anything. I heard that in the eastern and southern portions of the county, they went down through there as often as two or three times, and that they have taken their arms from them—guns and pistols.

Question. Were they taken away from the blacks generally?

Answer. Yes, sir.

Question. Every man who was suspected of having arms in his possession was visited?

Answer. Yes, sir; in that portion of the county.

Question. In what year was that?

Answer. In the year 1868.

Question. Do you know upon what pretext the Ku-Klux seized the arms of these colored people?

Answer. No, sir; I do not.

Question. Have you many colored people in Limestone County?

Answer. Yes, sir; we have a good many in the southern portion of the county. Very few in the northern and western portions of the county.

Question. Have many men been driven into exile from apprehensions of the Ku-Klux in your county of Limestone?

Answer. There have been to my recollection three or four.

Question. Men who have been visited by the Ku-Klux, or to whom notices have been sent?

Answer. Yes, sir; one in particular—Mr. Gordon—has been driven from there; he was, I suppose, intimidated and driven away from there.

Question. Have you reason to believe that there was a regular Ku-Klux organization in your county at one time?

Answer. Yes, sir; I think there was.

Question. Do you know of any men who belonged to it?

Answer. No, sir; I do not.

Question. Did public repute fix upon any one as the leader?

Answer. No, sir.

Question. What do you know of this man Moore, whom you have transferred to the jail in this county for safe-keeping, being reputed to be a captain in one of these organizations?

Answer. Well, I think, it is generally believed that he is a captain or leader of the entire organization up to a late day.

Question. Is he the democratic candidate for sheriff at this time in your county?

Answer. He claims to be a democrat; he is not the democratic nominee for sheriff; he is an independent candidate.

Question. How strong was the order reputed to be in your county at any time?

Answer. During its existence?

Question. Yes, sir.

Answer. Well, sir, I have no idea; it was considered by most of men to be tolerably strong.

Question. Do you know what were its objects?

Answer. No, sir; I do not.

Question. You may state if you saw published in the newspapers at the time, an order from the Grand Cyclops disbanding the different Ku-Klux organizations.

Answer. Yes, sir; I saw a notice signed by the Grand Cyclops, and, I think, it was published, as well as I recollect, in two numbers or probably three numbers of our county paper.

Question. Is your county paper a republican or democratic paper?

Answer. A democratic paper.

Question. State whether that notice stated that the order was given pursuant to the passage of a law by the State, denouncing this Ku-Klux organization.

Answer. I think, as well as I recollect, that it occurred before the passage of the Ku-Klux law, as it is called.

Question. Was it not in the summer—about June, 1869—that this order was published, a little upward of two years since?

Answer. I do not remember the time it was published.

Question. Did not the order state that it was made in pursuance of a law passed against the Ku-Klux organization?

Answer. I am not sure about that; it might have been, and might not; I will not say positively about that.

Question. You remember the law to which I refer, do you, passed by the Alabama legislature in December, 1868?

Answer. Yes, sir.

Question. Was that law a very unpopular one with the democrats of Limestone County?

Answer. I think, generally speaking, it was at the time.

Question. Have any of the men concerned in these Ku-Klux raids ever been brought to punishment in your county?

Answer. Well, we have some under bond at this time.

Question. My question was, whether any one has ever been brought to punishment?

Answer. No, sir; no, sir.

Question. Until within the last few months, were any active efforts ever made in your county to bring them to justice?

Answer. Well, the grand jury of the fall term of our court, of 1870, found two indictments against parties.

Question. Was that the first time your courts had taken notice of these outrages?

Answer. Yes, sir, the first time that they got any proof of any person that had been committing outrages.

Question. Had active efforts been made previous to that time to obtain proof of the authors of these outrages?

Answer. Yes, sir.

Question. Who made themselves active or busy in that?

Answer. Well, our grand jurors had a great many witnesses summoned up, but they never got any proof until the fall term of 1870. At the spring term of 1870 we had a great many witnesses summoned up on the Ku-Klux question.

Question. Had any effort ever been made to bring these parties to the notice of the grand jury before the spring term of 1870 in your county court?

Answer. No, sir; I think not.

Question. What was the reason of that omission?

Answer. I do not know, sir.

Question. It is reputed that there has been a falling out among these latter-day Ku-Klux in your county?

Answer. Well, it was reputed that there was a falling out among them in the fall of 1870. This case I speak of now, down in the forks of the Tennessee and Elk Rivers—or at least there was a party of disguised men supposed that others were going about disguised; they had a falling out, and there were several parties arrested, and we have two of them in jail at this time, and two others out on bond; we had no spring term of court last spring, consequently they have had no trial.

Question. Was any active effort ever made to bring the members of this Ku-Klux organization to justice until they commenced making systematic depredations upon property and visiting democrats as well as Union men?

Answer. No, sir; there was not to my knowledge; there were no demonstrations made to bring any parties to justice until after the disbandment by the Grand Cyclops—by the advertisement being put in the paper.

Question. Not a single case until after that time?

Answer. No, sir; not until after that time.

Question. Does there seem to be a general disposition among your people now, without reference to party, to break up this organization?

Answer. Yes, sir.

Question. About how many white men in Limestone County vote the republican ticket?

Answer. Six or seven hundred; six hundred, I will say.

Question. White men?

Answer. Freedmen.

Question. But I ask as to white men?

Answer. There are very few; I suppose there are fifty.

Question. How many of these are northern men?

Answer. Very few; we have very few northern men in our county.

Question. Is there any prejudice existing in your community against northern men?

Answer. No, sir.

By Mr. BLAIR:

Question. You say, that at the time the Ku-Klux appeared on the street at Athens the soldiers were there?

Answer. Yes, sir.

Question. Had they been brought there previous to the election?

Answer. Yes, sir; they came there about two days, as well as I recollect, before the election, and remained until after the election.

Question. Was there any apprehension of disturbance? was that the reason they were brought there?

Answer. Yes, sir; it was thought probable that there might be some disturbance.

Question. They were brought there on that account?

Answer. Yes, sir.

Question. I thought you answered, in reply to a question about these Ku-Klux and their pretension that they wanted to preserve order, that you did not know of any apprehension of disorder?

Answer. Well, we were apprehensive that there might be some disturbance.

Question. And the troops were called there to prevent it?

Answer. Yes, sir; to prevent it if they did anything.

By the CHAIRMAN:

Question. Was application made for the troops by any citizens of your county?

Answer. No, sir; I made the application myself to the general commanding the post here.

By Mr. BECK:

Question. After the soldiers arrived, you felt comparatively secure at that election that there would be no disturbance?

Answer. Yes, sir; I felt that they would keep order, preserve order.

Question. Those men in disguise, when they came in, simply offered to aid them, provided aid was necessary?

Answer. Yes, sir; they told them that if there was any disturbance, or if they could not keep order, in other words, to call on them, and they would assist them.

Question. There were more soldiers than Ku-Klux?

Answer. Yes, sir.

Question. In case of a controversy with the soldiers, the soldiers would have had a decided advantage?

Answer. Yes, sir; the advantage of number.

Question. Did not their going to the soldiers in the way they did, show that they had no other design than a friendly one, as far as the soldiers were concerned?

Answer. Yes, sir.

Question. They approached them in a confident and friendly manner?

Answer. Yes, sir.

Question. Their conversation was friendly?

Answer. Yes, sir.

Question. At that time you had no law in Alabama punishing men for riding in disguise in any number they pleased?

Answer. No, sir; none at the time.

Question. Therefore the soldiers did not regard their conduct as violating the law?

Answer. No, sir.

Question. They did not act upon it as such?

Answer. No, sir.

Question. And the conversation between them and the soldiers was of a friendly character?

Answer. Yes, sir.

Question. That order, you think, was disbanded about the time the order came out, from whoever was their commander?

Answer. Yes, sir; I think it was.

Question. Have you any reason to believe that the men who have been disguising themselves since that time, and committing depredations upon black and white men, have been anything else than lawless men, assuming disguises to commit depredations?

Answer. I have none.

Question. Is that your opinion?

Answer. Yes, sir; that is my opinion; that it has been made a personal matter in our county.

Question. A mere personal matter?

Answer. Yes, sir.

Question. Where men have sought the cover of night and disguise, to effect bad purposes of their own?

Answer. Yes, sir.

Question. Is that your understanding of it?

Answer. Yes, sir.

Question. Some of the men who have been in it may have been in the original gang, or not; but I suppose you do not know?

Answer. I do not know anything about it.

Question. So far as you have discovered, the men who have been operating under disguise of late have generally proved to be men of comparatively worthless character?

Answer. The bulk of them. They have generally proved to be bad characters—bad men.

Question. Their quarrels, and whippings, and wrongs have been inflicted upon white democrats as well as upon colored men, have they not?

Answer. Yes, sir.

Question. The Wisdoms, for instance?

Answer. The Wisdoms are democrats.

Question. The Barbees?

Answer. Barbee was a democrat.

Question. Was not he killed?

Answer. He was killed.

By Mr. BLAIR:

Question. And Gordon?

Answer. Gordon was a democrat.

By Mr. BECK:

Question. Gordon was run off?

Answer. Yes, sir; and old man Simmons—I never knew his politics. He was a Tennessean.

Question. You have always been a republican yourself, I believe?

Answer. Yes, sir.

Question. Your county attorney is a democrat, and your county judge is a republican?

Answer. Yes, sir.

Question. Has not your whole county organization, ever since you have been able to find out the names of the men committing outrages in disguise, acted together to bring them to justice very efficiently?

Answer. Yes, sir; since we have been able to get any proof against them, they have been willing, and the community generally have been willing to assist me in making arrests.

Question. You have held public meetings, also, expressive of your views?

Answer. Yes, sir.

Question. Regardless of party?

Answer. Yes, sir.

Question. Have you any doubt that, with the feeling and temper of your people now, and the disposition of your courts, and the organization of your grand juries under the management of your county, you can keep order from this time on?

Answer. No, sir; I have no doubt but what we can.

Question. I believe you call everything that appears in disguise Ku-Klux, even if it is only one man?

Answer. Yes, sir; everything that appears in disguise is Ku-Klux.

Question. It is a good name, and it sticks?

Answer. Yes, sir.

Question. That is a means of characterizing that class of offenses, no matter by whom committed, or what the degree of offense?

Answer. Yes, sir.

Question. Or what the disguise is?

Answer. Yes, sir. There are different colors of disguise; some are red and some are white.

By the CHAIRMAN:

Question. Have you any reason to believe that the Ku-Klux who appeared in your streets on the day of the presidential election had any knowledge that the soldiers were there before they came?

Answer. I do not know, sir. I think you asked me that question awhile ago. I do not know. It is probable they might have known it. It is possible they might have known it. They had been there from Friday evening, I think, until Monday or Tuesday.

Question. If it was known that the soldiers were there, it was known they were there for the purpose of preserving the peace, was it not?

Answer. Yes, sir; of course it was.

Question. Is it not possible that the Ku-Klux were taken by surprise when they came into town on that day, and changed their original purpose in consequence of the presence of the squad of soldiers?

Answer. I do not know how that is. I think not, because they came in and rode straight on down to where the soldiers were encamped. I think it is likely they knew where they were in camp.

Question. Might they not have got their information on their way to town?

Answer. It is possible that they could.

Question. If they knew the soldiers were there for the purpose of preserving the peace that day, there was no necessity for the Ku-Klux coming there for that purpose?

Answer. No, sir.

Question. Does it not seem to argue, therefore, that when they started from their homes they had no knowledge of the presence of these soldiers?

Answer. Yes, sir; it seems to argue that way, but I do not know about that, and I can't say.

Question. I believe I have asked you this question already, substantially, but I will repeat it. Was there any general complaint against the Ku-Klux in your county, while they confined their demonstrations to colored men?

Answer. I do not know that I understand your question.

Question. Was there any general complaint against the Ku-Klux in your county, while they confined their demonstrations to colored men?

Answer. They never confined their operations among colored men entirely. They were visiting white men as well as colored men, during the existence, as we term it, of the organization.

Question. Were the white men visited radicals?

Answer. I think both classes were visited to some extent.

Question. By the original Ku-Klux?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. This man whom you have in jail here was quite a leading man, was he not, in his part of the county?

Answer. Yes, sir.

Question. Quite a popular man there?

Answer. Yes, sir; I suppose he was among his class of men.

Question. Do you think that he has been for a long time a member of that order or organization?

Answer. Yes, sir; I think he has been a member of it during its existence, from the organization.

Question. And when the order was given to disband, he did not obey that order?

Answer. Yes, sir; that is my opinion about it.

Question. Was it not about the time that these Wisdoms got into trouble, that there was a falling out? Was it not about the time that they were whipped or outraged that there was a falling out between the different clans or bands of men?

Answer. Well, the Wisdoms are the ones charged with going in disguise.

Question. And they were also visited by some men in disguise?

Answer. Yes, sir; they were visited.

By Mr. BECK:

Question. This man Moore, it seems, kept a distillery in one corner of your county?

Answer. Yes, sir; until last year, 1870. Then he moved down where so much of this trouble has occurred. There he has located another distillery.

Question. An illicit distillery?

Answer. Yes, sir.

Question. Is it not a fact in your part of Alabama, as well as elsewhere, that around these illicit distilleries there is always a crowd of bad fellows?

Answer. Yes, sir.

Question. And the fellow who keeps the still has a good deal of influence with that class of people. They are his strikers?

Answer. Yes, sir; my opinion is that nineteen-twentieths of the cases of lawlessness are concocted in these distilleries. We have a number of them, and are breaking them up now.

Question. Is it not the fact that those carrying on these distilleries collect around them a gang of low fellows, to protect them against the officers, and pay these men their strikers and retainers—in whisky?

Answer. Yes, sir.

Question. And in Eastern Tennessee and in North Carolina it has been so?

Answer. Yes, sir.

Question. And Moore was a king-bee among that class, was he not?

Answer. Yes, sir.

Question. And thereby obtained a certain amount of influence with that character of people?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you ever know a republican who belonged to one of these bands?

Answer. No, sir.

HUNTSVILLE, ALABAMA, October 10, 1871.

SAMUEL HORTON sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Blount County.

Question. How long have you lived there?

Answer. I have lived there some thirteen years, until the last ten months, when they drove me out.

Question. What is your age?

Answer. Sixty-six years old.

Question. Of what State are you a native?

Answer. I was born and raised in South Carolina, in Newberry District.

Question. How long have you lived in Alabama?

Answer. Thirteen years.

Question. You moved thirteen years ago to Blount County?

Answer. Yes, sir.

Question. Were you there during the war?

Answer. Yes, sir.

Question. Have you many colored people in that county?

Answer. Well, there is right smart in places.

Question. Did you ever see any of this Ku-Klux Klan in Blount County?

Answer. Yes, sir.

Question. When did you first see them?

Answer. It was in October last; I reckon about the 10th—twelve months ago.

Question. How many did you see then?

Answer. I saw four.

Question. Were they disguised?

Answer. Yes, sir.

Question. On foot or on horseback?

Answer. On foot.

Question. How were they disguised?

Answer. I just saw them through a crack in the house. Their aprons or gowns looked to be striped—black and white, I think.

Question. You had heard of them before that?

Answer. Yes, sir.

Question. Often?

Answer. Yes, sir. Maybe I had better go back, and tell you the first start of it.

Question. Go on.

Answer. You recollect when the United States court sat here at this place, and Judge Busted was here—

By Mr. BUCKLEY:

Question. Some two years ago?

Answer. Yes, sir, I think it was. I was summoned here to attend court. I left home in the morning, and got as far as Judge Hale's, thirteen miles the other side of the river. There I put up and staid all night. Before I laid down, two of them came in and sauntered around through the house, and talked to the man of the house and his children a little and went off. Me and the gentleman of the house sat there until ten o'clock or maybe later, and he told a couple of lads there to go into the other room and kindle a fire and light the candle for me to go to bed. I went in, and we sat by the fire awhile, me and a couple of chunks of boys. One of them remarked to me, "We had as well lie down; them things will be back here directly." I had not been in bed twenty minutes until it went like thirty geese all around the outside of the house, making with their bills and coming to the door, "Hilloo! Hilloo!" The boys, them chunks of lads, said, "O, yes, there they are." One remarked to the other, "I shan't get up." The other says, "Get up; it will make them mad, and they will be just that much worse." The boys got up and lit the lamp, and set it on the fire-board, and they came in and stooped about with their gowns on; stooped down so they could just cleverly walk, and went about over the house stooping, with a great white face and black-looking beard, as well as I recollect, when they twisted their mustaches. One was black and the other white. One stood in the door; the others sauntered around the house. At last they came to the bed and asked the boys, [in a thin treble voice,] "Who is this?" The boys said they had an old gentleman staying all night there. He said, [in a thin treble voice,] "What is he?" Another said, [in deep bass,] "A damned rad."

By the CHAIRMAN:

Question. That means radical?

Answer. Yes, sir. This time I began to feel sort o' spotted. I didn't even have a pocket-knife. They came to the bed; one came to the foot and the other to the head; and the one at the foot smelled all around at the foot of the bed, and he says, [in deep bass,] "He's a damned old rad." The other one said, [in sharp treble,] "Is he fat?" The other answered, [in bass,] "Yes." The other said, [in treble,] "Well, we'll eat him then; get out of the bed." I raised on my elbow and says, "Look here, gentlemen, you will have tolerably tough eating; I am getting tolerably old now, and it looks to me like I would be tolerable tough eating." They ordered me again to get up. By this time the bolt of the middle door flew open, and the man of the house came into the room. He says, "Now, look here, the like of this shan't be done here." They said, "By God, we'll eat you." He says, "Well, cut in on me; but when travelers puts up, they are not to be imposed on." They jawed awhile, and the coarse-talking one says, [in bass,] "Let's go," and they jerked out of the door, and all of them jumped on their horses, and you would have thought there was a hundred whistles; they jumped on their horses and they went off.

By Mr. BECK:

Question. Where was that?

Answer. Colonel Hale's old stand.

By the CHAIRMAN:

Question. Did you see the disguises?

Answer. They had horns about that long, [18 inches,] and they had long gowns, down here, [illustrating.]

Question. You say you were on your way here at that time to attend court as a grand juror?

Answer. No, sir; as a witness, coming here.

Question. In what case were you subpoenaed as a witness?

Answer. In a case concerning an election between two men here in Blount.

Question. Was it generally known you were coming here as a witness?

Answer. Well, yes, I reckon; the officer had been down in our settlement summoning a day or two, and I reckon they saw him coming down; I can't tell.

Question. Was it a case of contested election?

Answer. Yes, sir.

Question. Was the contest between a radical and a democrat?

Answer. Yes, sir; I think so.

Question. Do you recollect for what office it was?

Answer. Well, the man that was elected was killed between here and Dalton. I can't recollect his name.

Question. Killed by whom?

Answer. I can't tell you; I wasn't about.

Question. Was it said that he was Ku-Kluxed?

Answer. I think that was the opinion of the thing.

Question. The man in whose favor the decision was made?

Answer. Yes, sir; I think it was; well, then this thing died out. I will go on and state to you about the balance of it. This court business died out—.

Question. Before you get to that, state where Colonel Hale's house is. Is it in Madison or Blount County?

Answer. I don't remember; it's either Blount or Morgan, but it's yon side of the river, and it's right in the corner. It's only a little distance into either one. Well, I went home from court here, and about twelve months ago, I think, as well as I can recollect now, they rode up, four, to my house, that is, to the fence, within twenty or thirty steps of the house. They lit and came into the yard. Brother Hale and Brother Heaps were there all night with me, and their wives. I heard, [in treble,] "Hilloo! hilloo!" My daughter got up and went to the door and asked them what they wanted. "O, nothing, only we have a little settlement to make with the old man that we'd like to make." She says, "You will not make it to-night." "What?" She says, "He has gone from home." I was lying in bed; she was scared to death. They said, "Where is he?" She says, "I think he went to Daniel Murphy's." "Where's that?" "About a mile and a half from here." "Which way will we go?" "Just go out to the gate, and take that trail, and it will carry you right there." "Very well; tell the old man we will settle with him in a few days." While they were talking, I could have put my hands through the cracks and pulled off two of their caps, but my wife and the other women begged to have no fuss, and I held still.

Question. How many rode up to your fence?

Answer. Four.

Question. At what hour of the night was it?

Answer. Ten o'clock, I reckon.

Question. Had you retired to bed?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Was that last October?

Answer. Yes, sir; twelve months ago.

By the CHAIRMAN:

Question. Have you any knowledge of who any of these parties were?

Answer. No, sir; I don't know that I have.

Question. Have you any knowledge of who any of the men were who visited you at Colonel Hale's?

Answer. No, sir.

Question. What hour of the night was it when they came to Colonel Hale's?

Answer. That was between eleven and twelve o'clock.

Question. Were the family abed?

Answer. Yes, sir; we all had laid down. Me and the man of the house had been sitting up talking until late; it was between 11 and 12, I reckon.

Question. Were the men disguised in 1870 in the same way that they were at Hale's?

Answer. Yes, sir; pretty much the same garb.

Question. Did those men who spoke to your daughter, and to you, talk in disguised voices?

Answer. Yes, sir; just as I talked to you; just about as broken as I talked to you

just now. I think that that meeting commenced at Gum Grove, the Friday after the second Sunday in October.

Question. What October?

Answer. Last October, twelve months ago.

Question. There was a camp-meeting held there?

Answer. Yes, sir; at Gum Grove. Well, on Monday night, it was just after candle-light service commenced, the company had got together under the arbor, and, I think, maybe the first preacher had about got through what he was going to say. There was a right smart stir-up, and he was just about to come down from the stand to the altar, and the whistle went "Whew, whew, whew."

Question. A good many of them?

Answer. O, yes, sir; it appeared like it mought have been fifty of them.

Question. The same kind of whistles you had heard before at Colonel Hale's and at your house?

Answer. Yes, sir; and directly along (a pause) bang, (short pause) bang, just about that far apart. The preachers all just dodged out and left. The candles were all put out, and the congregation was like a gang of partridges. They went every way.

Question. Where did this shooting appear to come from?

Answer. From the east side of the camp-ground. I staid there. I thought I would wait until the stir was over, and then go to my tent, live or die. I looked after the preachers as they went out, and looked around and the congregation was all gone. It was a clear light. I could see my shanty as plain as I see that book.

Question. Where had they gone—to their tents or home?

Answer. I couldn't find them. I walked to my tent and sat down, and directly twelve men walked up and began to talk pretty big, and remarked to me they believed I had stood. Says I, "What would I run for? There would be no use in running." Well, they turned around, talking to my daughter, and one of them says, "You believe that when you die you will go to Lakin?" "No," says she, "I don't know." "Oh, yes, by God, you do," he says.

Question. Lakin! Who do you refer to?

Answer. Lakin was our presiding elder.

Question. Was he at that meeting?

Answer. Yes, sir; he was there.

Question. Had he preached that night?

Answer. No, sir; I don't think he preached that night.

Question. Go on with your story.

Answer. "Well," says my daughter, "why don't you go and talk to Lakin? Why don't you go and talk to Lakin?" And says he, "Oh, by God, he is not to be found." "How do you know?" says she. He says, "He is not, without he is in your tent." Says she, "He is not there, and if you go to Brother Bill Anderson's you can look for him." "No," they said, "he can't be found." They said, "All we want is to see old Lakin, and if we do," says he, "I'll be God damned if he ever preaches to you again. If he ever undertakes to preach here again he will land in hell before he gets it done. Just let him try it." Well, I believe that is about as much as I know concerning that scrape.

Question. You saw, upon that occasion, only about twelve Ku-Klux?

Answer. I think there was between eight and twelve around my fire.

Question. From the sound of the whistles, how many did you think there were actually about there?

Question. Brother Jim Hale's wife's tent was next to where they were, and she said there was about fifty, and from the firing of the guns as they went off, most any man would have thought there was about fifty.

By Mr. BUCKLEY :

Question. Were they disguised?

Answer. Yes, sir; when they rode off they were hollering and shooting and cursing.

By the CHAIRMAN :

Question. Did you see them then?

Answer. No, sir.

Question. Those you saw were disguised?

Answer. No, sir; they had pulled off their garb when they came to the fire. I didn't see any disguises at that time. Just before the shooting, three walked around the arbor and stood against the posts that were disguised.

Question. Did you know any of those men that came to your tent and wanted to find Lakin?

Answer. Yes.

Question. Did they live in that neighborhood?

Answer. Yes, sir.

Question. Have you any objections to giving their names?

Answer. Well, I would rather not yet, because, I will tell you, I can't stay there, nor ain't going to. I am not going back among them. Now, let me finish. About a week or ten days after that they got so hot against me and my folks I concluded we would move back to Georgia, and fixed up. My son lived about two miles and a half or three, on that road, and we went on that far the first day. That night, just after we had laid down, at 9 or 10 o'clock, they sat there talking, and up rides something to the door, (in shrill treble,) "Hilloo! hilloo! Open the door." Well, they came in. I still laid in the bed for some time. At last they ordered me up, and my son begged me, and the family all begged me to get up. I got up just to satisfy them. "Walk out!" "No, I shan't walk out." They all still begged me to come out, and I went out and went off from the house with them, I reckon thirty steps, and they asked me several questions. I told them that it was an arrant lie, and everybody knows it's a lie.

By Mr. BECK:

Question. State the questions they asked you. It will save time hereafter in the cross-examination.

Answer. In the time of the camp-meeting my son's wife lost a baby, and people said it had a perfect case over its face, and horns just like the Ku-Klux. Well, you see, they had packed that on me, and I didn't take it, because I never looked at it. They talked on awhile, and one of them says: "God damn you, don't you think you ought to be whipped a little about that?" I says, "Well, I don't know, that is with you." He says, (in thin treble,) "Well, I think you ought to." He got him a hickory; I suppose it was 3 feet long. At that my son stepped in between him and me. I says, "Go away; let him hit me; let him strike me one lick." Well, he turned round and round, and wavered the switch over me a while. At last he concluded he wouldn't whip me if I would leave the country, and go off.

By the CHAIRMAN:

Question. When was that?

Answer. About twelve months ago.

Question. Soon after this camp-meeting?

Answer. Yes, sir; within eight or ten days.

Question. How many men visited you that night?

Answer. Four?

Question. Were they disguised?

Answer. Yes, sir.

Question. Had they arms?

Answer. Yes, sir; they had pistols; lots of them.

Question. You were then on the way to Georgia?

Answer. Yes, sir.

Question. Did you go to Georgia?

Answer. Yes, sir; I got back about three weeks ago. I fetched my family.

Question. Have you been living in Blount County since you got back?

Answer. Yes, sir.

Question. Where you formerly lived?

Answer. Yes, sir.

Question. Right at the same place?

Answer. Yes, sir; right at the same place.

Question. Have they disturbed you since you came back?

Answer. Yes, sir; a gentleman rode up about ten or fifteen days after I came and told me a man told him that evening that I should not stay there. I didn't give him no answer. I said, I expected to attend to my own business, and I am in hopes other people will. He says, "Well, he told me to tell you." I says, "Copeland, who was he?" He says, "He told me to use no names," and he went off. I believe that ends about the length of what I know of scrapes in any way.

Question. What pique had these Ku-Klux against you?

Answer. Well, that scrape was because I had said this child had on a false face.

Question. Because you had said this child of your son's wife had on a false face?

Answer. I said Jake Dines told me it had, and Doctor Coker.

By Mr. BECK:

Question. Where does he live?

Answer. Right at Sully.

By the CHAIRMAN:

Question. What did Doctor Coker tell you?

Answer. They both said it had that kind of face.

Question. What kind of face, a Ku-Klux face?

Answer. Yes; and Dines begged me to go in and look at it, and said that it had a Ku-Klux face on. I told him I wouldn't; that there wasn't enough money to hire me to look at it.

Question. Did they say it had horns?

Answer. Yes, sir; about that long, (finger-length.)

Question. What other signs of Ku-Klux had it?

Answer. I don't remember. Doctor Coker and Mr. Jake Dines both saw it. Doctor Coker tells Dines it was that sort, and then Dines went down and looked at it, and then Dines told me. Him and Coker both pronounced it a Ku-Klux.

Question. How long did the child live after its birth?

Answer. I don't think it ever drew a breath.

Question. It was regarded as a monstrosity?

Answer. Yes, sir.

Question. Was it the general belief that such a child had been born?

Answer. Yes, sir.

Question. How many people have you ever heard speak of it?

Answer. Oh, it was taken on the camp-ground, and all the camp-meeting saw it.

Question. Did anybody tell you the fact that such a child had been born with such marks on it?

Answer. Yes, sir; a few did, but I don't remember.

By Mr. BUCKLEY:

Question. These four men who came to whip you had heard of it?

Answer. Yes, sir; from the way they talked to me they had.

Question. Are there any other times when you have seen any Ku-Klux in that county?

Answer. No; I think that is about all the times I have seen any.

Question. Have you heard of any riding through the county?

Answer. Yes, sir; I heard of thirty-odd being out last Friday night.

Question. Where were they seen?

Answer. Part of them were seen close to where I live, and part of them were seen at Brooksville.

Question. Both places in Blount County?

Answer. Yes, sir.

Question. Did they commit any outrages upon any one?

Answer. Well, it was said that they whipped a woman named Sina McKinney. It was reported they had whipped her desperately, and ordered her to leave there. They went on to Garland Smith's, and sent his son down to tell her she had better go away.

Question. What pretext was assigned for whipping that woman?

Answer. Well, it was thought she wasn't keeping a nice house, I believe, by them, I reckon. I think that was their excuse.

Question. What information did you receive in regard to the other outrage?

Answer. At Brooksville? Well, brother Hall told me that some persons were there when they came on through the little town.

Question. Do you know of any other persons being whipped about your neighborhood?

Answer. No; not to say I know them—I don't.

Question. Have any other members of your family ever been troubled by the Ku-Klux?

Answer. Well, he is here; he will come in before you, I reckon, and can tell you.

Question. To whom do you refer?

Answer. My son. He is here himself, at the door, ready to come in, when he gets a chance.

Question. You spoke of Mr. Lakin. Is he known pretty generally in Blount County?

Answer. He was presiding elder there two years. He is a northern man.

Question. Did he have a number of churches there?

Answer. Yes; he did have, until they broke them all up.

By the CHAIRMAN:

Question. Who did?

Answer. These Ku-Klux; and preachers is afraid to preach there—that is the old-side Methodist.

Question. Do you refer to the Methodist Episcopal Church North?

Answer. Yes, sir.

Question. There are great objections made to that religious organization?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. You had a good many congregations belonging to that church, had you not, in that region of the State?

Answer. Yes, sir; in Blount—O, yes.

Question. Have the preachers all been driven off?

Answer. Pretty much.

Question. Mr. Lakin was regarded with favor, was he not, by the members of his church, over there?

Answer. Yes, sir; Lakin is as fine a man; if there is any Christian on earth, he is one.

Question. Did you ever know anything derogatory to his character as a Christian minister?

Answer. Never on earth.

Question. Was he thought a good deal of by his people there?

Answer. Yes, sir; by everybody.

By the CHAIRMAN:

Question. Except the Ku-Klux?

Answer. O, yes, sir. I think I understood him to say that he had been presiding elder thirty-five years; and I have heard him tell what age he was when he commenced preaching.

By Mr. BUCKLEY:

Question. At the time of the camp-meeting, did they make inquiries for Mr. Lakin when these men rode up there?

Answer. They never rode inside of the fence. The encampment is fenced in.

Question. But at your tent they made inquiries?

Answer. Yes, sir,

Question. You said three disguised men came up under the arbor?

Answer. No, sir; the arbor is on posts, and they kept on the dark side and sallied clear around.

Question. Was he in the pulpit?

Answer. No, sir; he preached at three o'clock, and had not come out again.

Question. Have you reason to think they were looking for him?

Answer. O, yes; there is no doubt of it.

Question. But he was not there that night?

Answer. No, sir; he was not there.

Question. Did you say this child was brought down to the camp-ground?

Answer. It was taken by, and carried out to where they buried it.

Question. What time was it born?

Answer. It was born on Saturday night, I think, a little before day. It may have been Sunday morning, but I think it was born between midnight and day, and buried Sunday evening, late.

By the CHAIRMAN:

Question. Were there many white republicans in Blount County besides yourself?

Answer. Well, there were right smart.

Question. Were they men from the South or from the North?

Answer. They were men that were raised there.

Question. Was there any persecution of these men who voted the republican ticket, by the Ku-Klux?

Answer. Well, if that was not what set them on me, I can't tell what it was.

Question. Did they maltreat the negroes?

Answer. It was said that they had at some precincts, but I don't know whether that is so.

Question. Did you ever hear of them taking from the negroes their arms—their guns?

Answer. No, sir.

Question. Do you know whether the negroes were intimidated and prevented from voting?

Answer. O! yes; that could have been seen by a man with a half eye.

By Mr. BUCKLEY:

Question. What is your age?

Answer. Sixty-six years old.

Question. You lived in Blount County during the war?

Answer. Yes, sir.

Question. A good many old Union people live there?

Answer. A few.

By Mr. BECK:

Question. They never hit you; nobody ever hit you?

Answer. No, sir.

Question. And never took you out of your house except to ask you as to that Ku-Klux child?

Answer. That was at my son's house; not at my house.

Question. They called you out to ask you about that?

Answer. Yes, sir; they called me out, and made me come out.

Question. You told them what you had heard about it; you had never looked at it yourself?

Answer. Yes, sir.

Question. Your camp was inclosed at the camp-ground?

Answer. Yes, sir.

Question. They never went inside with the horses?

Answer. No, sir; I don't think they fetched any horses in.

Question. Did they shoot inside of it?

Answer. The first three guns was, I think, fired inside of the fence. I couldn't see them, but from the report, and where I sat under the arbor, I took it in my own opinion that they were at the fence, or inside of it.

Question. When they came to your tent they were not disguised at all?

Answer. No, sir.

Question. Did you see them, when they rode up, to know whether they were disguised?

Answer. No, sir; I never went after them to see about it.

Question. Anybody could have come and seen them and known them as well as you, if they had chosen to look at them?

Answer. O, yes.

Question. Do you know whether the men who shot off the guns were disguised or not?

Answer. No, I do not.

Question. What is the county-seat of Blount?

Answer. Blountsville.

Question. You don't remember the election concerning which you came here as a witness when you first saw the Ku-Klux, when Busted was holding court here?

Answer. No, sir, I don't.

Question. Were you examined as a witness here?

Answer. Yes, sir.

Question. Do you not remember what you testified about?

Answer. Well, Hinds, I think the fellow's name was that contested the election, he had me summoned, and that was pretty much like it is here now; it was to know what I know about these Ku-Klux, and what had been said.

Question. You had never seen any until that night when you were coming on?

Answer. No, sir; not until that night.

Question. Then you saw three fellows?

Answer. Yes, sir; two coming in the house, and one at the door.

Question. You were summoned at a venture to know what you knew about it?

Answer. Yes, sir.

Question. Have you had any fusses with your neighbors about business, or any quarrels with them lately?

Answer. No, I haven't.

Question. Did none of them ever make any prosecutions against you in court?

Answer. Yes.

Question. For what?

Answer. Well, they said I was one night with the anti-Ku-Klux riding about; but they might have known that a man of my age would not do that.

Question. What did they say you were doing?

Answer. This Campbell's wife that Dunn killed swore that I was with them, and after me and Campbell came back I drew a stick over her, and swore that I would kill her if she ever told that.

Question. Did Campbell's wife swear that?

Answer. Yes, sir.

Question. Did they indict you?

Answer. Yes, sir.

Question. When?

Answer. That has been about two years ago, I reckon.

Question. How many more were indicted at the time you were indicted?

Answer. God knows; they said a bushel-basket full of true bills.

Question. Before what judge?

Answer. I think it was Judge Haralson.

Question. Judge of the circuit court?

Answer. Yes, sir.

Question. He was a republican?

Answer. I don't know.

Question. Are your grand jurors generally republicans?

Answer. No, sir; I think not.

Question. Who was your district attorney? Who prosecuted you?

Answer. Judge Haralson, I think.

Question. Does he live in Blount County?

Answer. Yes, sir.

Question. At Blountsville?

Answer. Yes, sir.

Question. What is his first name?

Answer. I don't know.

Question. Is he there now?

Answer. Yes, sir; State's attorney, or county solicitor, or something; I don't remember now.

Question. What did he say you had been doing when you were out on that raid?

Answer. Well, they accused Campbell of going and ordering some two or three or four of his neighbors to quit wearing their garb, or else they would have to quit the country.

Question. And accused you of being along?

Answer. Yes, sir.

Question. Was Campbell killed?

Answer. Yes, sir.

Question. How? On one of these raids?

Answer. No; I was not there. Report says, and Dunn said himself he killed him. He just went to Blountsville and gave up. There never was a thing done with him, and never was fined in any shape or form.

Question. How did Campbell's wife come to swear against you?

Answer. I can't tell.

Question. Was not Campbell a friend of yours?

Answer. Yes, sir.

Question. When she said you drew the stick over her head, what did she say you wanted to keep her from telling?

Answer. That I wanted to keep her from telling that we were riding.

Question. And she threatened to tell?

Answer. She had told. She swore in the grand jury room, and that is the way they got a true bill against me.

Question. Did you farm there?

Answer. Yes, sir.

Question. How much?

Answer. I own one hundred and sixty acres, and I suppose twenty-five or thirty of it was cleared land.

Question. Did you ever read the indictment against you to know what was in it?

Answer. No.

Question. Why did you not read it; can you not read?

Answer. Well, I suppose I could, but I didn't do it.

Question. You know whether you can read or not?

Answer. I suppose I could.

Question. Could you have read it?

Answer. I can read some handwritings, and some I can't.

Question. You never looked at it?

Answer. No, sir.

Question. Never got anybody to read it to you?

Answer. No, sir.

Question. Who was your lawyer?

Answer. I didn't have any.

Question. Was that the only indictment they ever found against you?

Answer. Yes, sir.

Question. Of any sort?

Answer. Of any sort.

Question. And the only fuss you ever got into with your neighbors?

Answer. Yes, sir.

Question. That is about two years ago?

Answer. Two years, I think, about in all.

By the CHAIRMAN:

Question. Were you tried on that indictment?

Answer. No, sir.

Question. What became of it?

Answer. Well, I gave security, and the foreman on the bond became dissatisfied, and he raised a fuss and kicked up, and I thought I saw what they were after. There has been a few men taken out of that jail and hung, and I concluded this was the time they had fixed up to trap me, and I didn't intend to go in, and I just gave them up what I had and left.

Question. Who did you give your property to?

Answer. George Shelton.

Question. Was he your surety?

Answer. Not until after Dines kicked up.

By Mr. BUCKLEY:

Question. When were these men taken out of the jail and hanged?

Answer. About four or five years ago there was one taken out. They took him out about a mile and a half from town and hung him; and the people told me that there was one taken out last Christmas eve, and hung, and shot, and dragged about over the road until he was as muddy as a hog.

By the CHAIRMAN:

Question. You said you were indicted for being an anti-Ku-Klux?

Answer. That was what was alleged.

By Mr. BECK:

Question. Did you run off?

Answer. No, sir; I never run.

Question. You gave up what you had?

Answer. I gave George Shelton enough to satisfy the bond, and took the rest and went off.

Question. You did not run?

Answer. No.

Question. You made fast walking?

Answer. I drove pretty peert.

Question. You made the horses run?

Answer. If you had known that two or three men were after you wrapped in scarlet you wouldn't have staid there.

Question. And you went off at the time you gave up the property?

Answer. O, no; I never went off until after October—about twelve months ago.

Question. When you went off did you give up what property you had to pay the bond? Was Jake Dines your surety first?

Answer. Yes, sir.

Question. Jake got dissatisfied, and you got somebody else to go surety?

Answer. Yes, sir. Then I got George Shelton to go and settle the bond off, and gave him property enough to satisfy him.

Question. So you confessed judgment?

Answer. No.

Question. How was the bond satisfied?

Answer. I never knew much about it, but just left the State and left him to pay the bond. He went on the second bond with me.

Question. And you went off and left the State and let judgment go against you?

Answer. Yes, sir.

Question. And left property enough with George Shelton to pay the judgment?

Answer. Yes, sir.

Question. And went off to Georgia?

Answer. Yes, sir.

Question. And staid until three or four weeks ago?

Answer. Yes, sir.

Question. And the thing was settled up and you came back?

Answer. They say it is not settled up yet.

Question. And you are not going to stay there any longer?

Answer. I haven't said I would go away.

Question. What did you say?

Answer. I had orders to leave.

Question. I understood you to say you were going away?

Answer. I said, unless something was done for the settlement people, I wouldn't go back.

By the CHAIRMAN:

Question. Was that a false charge in the indictment?

Answer. Yes, sir.

Question. Were you afraid that you could not have a fair trial among your people?

Answer. Yes, sir.

Question. Were they hostile to you because you were a radical and anti-Ku-Klux?

Answer. Yes, sir.

Question. You did not think you could have a fair trial?

Answer. No, sir.

By Mr. BLAIR:

Question. Could you not have got a change of venue?

Answer. It was said it was changed. I asked to have it at Summerville, but it never went.

By Mr. BECK:

Question. Did you ever see a man under indictment who believed that he got fair play?

Answer. I don't know.

Question. Haralson was the man who ran against Judge Dox for Congress?

Answer. He run, I believe.

Question. Was he not a good enough radical?

Answer. He might be a good enough radical. I didn't say anything about the judge.

Question. He was the judge before whom you were to be tried?

Answer. Yes, sir; I knew him when he was only eighteen months old. We lived together many years ago in Georgia.

By the CHAIRMAN:

Question. Were you afraid of Ku-Klux on the jury?

Answer. Yes.

Question. Did the Ku-Klux, who came to your son's house, and called you out, appear to be angry because the report had gotten abroad that a child had been born lately with a Ku-Klux disguise?

Answer. Yes, sir. From the run of their discourse to me I took it that that was their spite they had at me for that night's work.

HUNTSVILLE, ALABAMA, October 10, 1871.

BENJAMIN HORTON sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. I live in Blount County?

Question. How long have you lived there?

Answer. Going on thirteen years.

Question. Have you not been absent at any time during that period?

Answer. I haven't been absent but six months during that time.

Question. Are you a man of family?

Answer. I have a wife.

Question. Were you in the army?

Answer. Yes, sir; I was in the army six months.

Question. Which army?

Answer. Roddy's command—the rebel army.

Question. State if you are the son of Samuel Horton?

Answer. Yes, sir.

Question. Were you at a camp-meeting at Gum Grove in October, 1870?

Answer. I was there part of the time.

Question. Did your wife have a child about the time of that camp-meeting?

Answer. Yes, sir; the Sunday morning of the camp-meeting.

Question. You may describe that child to the committee.

Answer. Well, sir, it was born. It had something that looked like a false skull over its face, and little knobs like you have seen on little yearlings, or little horns on both sides up here, [on the forehead,] and it had some stripes around its arms.

Question. Were there any other peculiar marks that you remember?

Answer. Not that I noticed.

Question. How was its head shaped?

Answer. Just like a man's head—like any one—chin and nose, and mouth and eyes, and all.

Question. Had your wife ever seen the Ku-Klux in disguise at that time?

Answer. Yes, sir; they passed my house every night; every Wednesday and Thursday night.

Question. For how many weeks?

Answer. It had been for months.

Question. Had your wife seen them?

Answer. Yes, sir.

Question. Had she been alarmed by them?

Answer. No, sir; they came up to the door, and pushed the door open.

Question. When she was in the family way?

Answer. Yes, sir.

Question. How far was she advanced in pregnancy when they pushed the door open?

Answer. Between four and five months.

Question. Was she alone, or were you at home?

Answer. I was at home.

Question. What did they come for?

Answer. I don't know that they had any business; they never mentioned any. They just pushed the door open.

Question. Did it create a fright in her?

Answer. Well, she was trembling right sharp; she was scared.

Question. Now tell us how this child compared in appearance with the Ku-Klux in disguise.

Answer. Well, just to look at the men it looked pretty much that way, all to the marks on the face and around the mouth and all. It had red around its eyes, and the horns or lumps here on the forehead, and all imitated the Ku-Klux pretty smart.

Question. You may state if the forehead of the child was flat and square, and about perpendicular.

Answer. I never saw the forehead of it. That I was telling you was right over the forehead; and several of the people there felt the child's forehead on top there. I heard several say it was a flat forehead.

Question. Did they say it was a tall forehead?

Answer. I don't remember.

Question. This was a substance like a veil that fell down over the forehead?

Answer. Yes, sir; you could catch hold of it and move it any way you wanted to.

By Mr. BUCKLEY:

Question. Was there anything like a fringe around the side of the face of this same substance as on the forehead?

Answer. Not that I noticed.

By the CHAIRMAN:

Question. Were the eyes and mouth smaller than those of an ordinary child?

Answer. Its eyes were small; its mouth, I think, was about as large as usual.

Question. Was there much of a nose?

Answer. Yes, sir; it had a plain nose.

Question. Was the face flat?

Answer. It was just like any face, but flat and sort o' dished.

Question. Did you notice that the chin sloped off on a line with the body?

Answer. No, sir; I never, in fact, examined the child closely. I felt badly, and never examined closely. I heard several say it had.

Question. Did you notice whether there was a red mark on the neck?

Answer. There were red marks on the neck, around the arms, and on the legs, right down here. [Illustrating.]

Question. State whether the body of the child was taken on the camp-ground and exhibited to the people there.

Answer. It was taken there, and the coffin opened, and two hundred, I reckon, saw it. It was laid out in view.

Question. Were there a thousand people attending that meeting?

Answer. There were between three and four hundred, I should say, attending the meeting.

Question. How came it to be taken to the camp-ground?

Answer. Well, the old man, my father-in-law, wanted to take it by the camp-ground so that everybody might see it with their own eyes. About seventy-five or a hundred went from the camp-ground to my house to see the child when the doctor stated it was a Ku-Klux. There were seventy-five to a hundred men and women together went to my house to see the child, and in going to the grave-yard we carried it by the camp-ground to show it to the eyes of all.

Question. Did there seem to be a general curiosity to see it?

Answer. Yes, sir, very much so.

Question. Was the child born dead?

Answer. Yes, sir, born dead.

Question. Was your wife a member of the Methodist church?

Answer. Yes, sir.

Question. State whether you had been forced into the Ku-Klux ranks yourself.

Answer. No, sir.

Question. Did you ever join the Ku-Klux?

Answer. No, sir.

Question. Was there such an order or organization as the Ku-Klux generally scattered through your county of Blount?

Answer. Yes, sir, very much so.

Question. How did they express themselves when this child was born, and it was generally noised about that it resembled the Ku-Klux? Did it give them great offense; were they mad about it?

Answer. They seemed to be. They seemed very mad about it.

Question. Did these Ku-Klux ever molest you?

Answer. Yes, sir.

Question. When?

Answer. In December.

Question. Last December?

Answer. Yes, sir; the 19th, on Friday night.

Question. State the particulars to the committee.

Answer. First, my father fixed to move from Alabama; he came as far as my house on Saturday night to stay all night, and take a start Sunday morning; and while he was there there came four Ku-Klux to my house and took the old man and me both out, and talked to me about the child; that I had stated it was a Ku-Klux, and why it was called that, and why I allowed it to be called that. I told them I could not help that; that the doctor pronounced that himself when it was born; that he was the man to look to. They took the old man out and was going to mob him. They got a withe or chesnut switch, between three and four feet long, to whip the old man, and I caught the one that got the hickory and I stepped up behind him; I was standing beside him and caught the hickory; I caught him by the arm and pushed him in the road and told him if anybody was to be whipped I would rather take it than my daddy; that he had raised me, and I wanted to take all the whipping, and that he would have to whip or kill me if he wanted to whip him. He 'low'd he could do it if I would lie down. I told him I would take it standing up, not lying down. He didn't whip or strike me, but just kept contending that he should get hold of the old man; but he never hit the old man nor me either. Then there was me and the old man and the four women, my wife and two sisters-in-law, and one sister, that were there. The Ku-Klux went off that night.

Question. Were they mounted?

Answer. Yes, sir.

Question. Did you see whether they had arms on or not?

Answer. They had pistols. They had cocked two pistols on me when I took that one by the arm. He cocked his pistol, and the man by him told me they would shoot me. I told them I didn't care; that was a game they could play if they wished, but I had no weapon, not even a pocket-knife; and I said to the old gentleman, "You are getting pretty old." I said to this old gentleman, "You are getting pretty old, I discover"—no, my wife made mention of that—no, he told my father he was getting old, and he ought to live for God; and my wife observed he was getting old and he ought to live for God, too. I talked to that old gentleman a little, and he got on his horse and they rode off. In December they came back.

Question. Did you know any of these men who visited your house that night to whip your father?

Answer. I knew one, I think.

Question. You say one was an old man?

Answer. Yes, sir; they rode off. In December they came back. There were ten came then. They took me out; eight of them took me out.

Question. What time in the night was this?

Answer. About three o'clock in the morning. They came and knocked down my door and came in and asked for a candle. I told them where there was one, and they got it. Me and my brother-in-law were living in adjoining houses, he in one and I in the other, and they went into his end of the house hunting for him, and his wife told them he was not there. I told them, "Men, there is no use in annoying the women; upon my honor he is not here; he has gone off to sow wheat." I had been off sowing wheat that day, and met them coming home and spoke to them. I said, "He has been off sowing wheat." They observed to me, "Get up! Arise, Horton, and put on your breeches and come out." I was pretty slow about it. I wasn't particularly in a hurry. I got up and pulled on my pants and was walking up to the fire, and they told me to be in a hurry, God damn it; I was too slow; and they started back and my wife shut the door, and they holloed, "Shoot a hole through;" and she holloed she would stand there. They took a run to go against the door, and knocked the door back way across the house. She had just stepped back from the door when the door flew in. Then four of them came in and cocked their pistols, and told me to come out. They pushed me out of doors; they told me to get my shoes if I didn't want to go in the frost barefooted. I told my wife to bring the shoes, if she pleased. She picked up the shoes and started. They wouldn't allow her to come. By that time all eight of them had got around. She told them she would bring them. She brought the shoes, and they tried to take them from her, but she held on to them and threw them over their heads into where I was into the middle of them. I picked up my shoes and drew them on without any socks. They ordered me then to leave the yard, and I said, "Men, if you are going to do anything here is the place; you have the power; I see that it isn't worth while to say or do anything." My thumb and that finger was mashed. I had dragged a log on it in the crib in the fall. They told me to come out of the yard. I told them I didn't

think I ought to. They put the pistols against my breasts, and head, and side. One of them jobbed me in the temple with his pistol and left a place that was there for a week. He said he didn't want to kill me, but, damn me, if I didn't move he would kill me. I said had I done anything, or wronged nobody, or stolen anything, or sworn any lie, or what was the matter. They wouldn't give me no answer. They got me away. They told me to go, and started and gathered a big bench-back, broader than this chair-back and four feet long. I said, "Men, if you are going to do anything do it like a man; don't do it like you would kill a horse; commence like you were going to begin on a man." They told me to come away from the house, and started me, both of them pushing me on. They got me, maybe, two hundred or two hundred and fifty yards from the house to the line between me and another man. Then they told me to get down in order to get through under the fence. I told them I never got down for my daddy, or any man. They gathered on me, and I held on to the fence, and one of them got two hickories and six of them hit me three licks apiece with the hickory. I asked them when they struck me, I didn't feel like taking it unless I knew what it was for. They said I said I knew some of the Ku-Kluxers, and was talking too damn big. I told them I did say it and I didn't take it back. In about a month they sent me word I had went and bought me a rifle-gun. I had traded for it, and I had never made any threats or said anything against them. I was attending to my own business, staying at home working, and they sent me word they understood I had bought arms for them. I told them that if they wanted my gun to come and get it. I told them that told me that if I had known it I wouldn't have said anything about it. They said if I didn't make way with it they would come and break it over the fence. I gave \$25 for the gun, but I sold it then for \$15. They told my brother to come and tell me, the day after I did that, that if they ever heard of my saying anything about the Ku-Klux—against them or for them—they would give me two hundred lashes on my naked back twice a week, and if that wouldn't do they would kill me, and if that wouldn't do they would burn my house, by God, over me, and I should not stay in the country.

Question. After you were whipped, in the manner you describe, by these six men, did you make any complaint of it?

Answer. No, sir; I never said anything about it.

Question. Why not?

Answer. Because I was afraid to; I knew if I said anything about it they would come on me again and kill me the next time; they told me, by God, to be careful, or they would be out again before long, and if they heard anything, they would do me worse than that.

Question. When you asked them, in your house, for the cause of their conduct while they were taking you out that night, they refused to give you any answer?

Answer. They refused to give me any answer at all.

Question. But after they had whipped you, they told you that you had been saying you knew the Ku-Klux, and was talking too big?

Answer. No, sir; that was before they whipped me; they had struck me three licks; one of them had hit his three licks out; I kept asking what they whipped me for, and he then replied that I had been talking too big.

Question. How severe was this whipping?

Answer. They didn't cut the blood out but in one place about two inches on the back; they marked me all along on the back; it looked like any one whipped with their coat off, on the shoulders.

Question. Had they any pique against you because your father was a radical?

Answer. Yes, sir.

Question. Were you a radical too?

Answer. Yes, sir.

Question. Had you voted the republican ticket?

Answer. No, sir; I never voted in my life; but my father was that way, and I leaned that way. My wife belonged to the church, and generally leaned that way, and went to the meetings, and that is the cause why they are down on me.

Question. Had you been intimidated from voting?

Answer. No, sir; not at all. I have not been old enough to vote. I only came to age three years now, and I never fancied it anyhow. To keep out of difficulties, I thought I would always keep to home.

Question. Did they charge you with knowing who the Ku-Klux were, or that you had been telling that you knew who the Ku-Klux were?

Answer. Yes, sir; they said I had talked too big; that I said I knew some of the Ku-Klux.

Question. What had you said?

Answer. I had said to that old gentleman in that crowd, that was when they talked it over; I didn't speak any name to him; I just walked up to him and shook my finger to him, and said: "Old man, you had better be at home; you know me, and I know you." I had knowed him since I was a little boy. He just went and got his horse, and went off without saying anything.

Question. Did you know any of that crowd of six ?

Answer. No, sir ; they were disguised more perfectly than any I ever saw. They generally are disguised—the eyes and mouth ; but that night it was all disguised.

Question. You have no idea who they were ?

Answer. Two of them were the same that were at the old man's before ; I know from their talk and shapes.

Question. Did they live in that neighborhood ?

Answer. Yes, sir ; they lived in about four miles and a half of me.

Question. How numerous was this organization of Ku-Klux in Blount County ?

Answer. Well, it was right sharp ; I can't give the numbers, because I was not into the Ku-Klux band ; but if I should guess, I should guess, from all accounts, I have seen seventy-five in a drove at one time.

By Mr. BUCKLEY :

Question. When was that ?

Answer. That was just a week after they whipped me.

Question. Last December ?

Answer. Yes, sir ; they went down and took Ketchum out of jail and killed him.

By the CHAIRMAN :

Question. Who was Ketchum ?

Answer. Lewis Ketchum, son of Henry Ketchum. They were going that night to take him out of jail when I saw the seventy-five.

Question. Did they take him out of jail ?

Answer. Yes, sir ; and shot him seven times, I think, and then whipped him from the heels to the top of the head, and then hung him.

Question. That was last December ?

Answer. Yes, sir ; Christmas eve night.

Question. In Blountsville ?

Answer. Yes, sir ; it was done two miles east of Blountsville, in the big road. They came back to town, and told his brother if he wanted to see anything to go up the road and he would see it.

Question. What time of night was it ?

Answer. I can't say ; it was between 11 and 12 o'clock when I saw them.

Question. Were they on their way to the jail ?

Answer. They were in the big road to Blountsville.

Question. How far from there ?

Answer. Five or six miles.

Question. Were they all mounted ?

Answer. Yes, sir.

Question. And had disguises on ?

Answer. Yes, sir.

Question. Do you know what crime Ketchum was in jail for ?

Answer. He had killed a fellow.

Question. A Ku-Klux ?

Answer. I suppose from that that it was. I don't know it to be that, but I suppose from that that it was.

Question. How long had he been in jail on that charge ?

Answer. He was put in on Friday evening, about two hours and a half by sun, and they came Friday night there to take him out, and failed ; and on Saturday night came again and finished him.

Question. Do you know anybody else in the county that the Ku-Klux have visited ?

Answer. I couldn't tell you all that have, if I was to talk until to-morrow night. There is but few houses but what they have visited.

Question. When did you first hear of the Ku-Klux making their rounds ?

Answer. I can't tell you.

Question. How long after the war was it ?

Answer. Three years, I believe ; I don't know. It was between two or three years after the war, as well as I recollect.

Question. Have they kept it up there since ?

Answer. Yes, sir ; more or less.

Question. Do you believe that order is in existence in Blount County to-day ?

Answer. Yes, sir ; I know it.

Question. Do you know of any manifestations they have made since December last, when Ketchum was hung ?

Answer. Yes, sir, several.

Question. Name such as you have heard of.

Answer. They went last Thursday night a week ago, and whipped a woman, and run a woman off from there. They caught her, they said, and run her off.

By Mr. BLAIR :

Question. Who was "her?"

Answer. Kinney.

Question. What did they drive her off for?

Answer. I don't know, sir.

By the CHAIRMAN :

Question. What other cases do you know?

Answer. I can't tell you; they have been riding around all the time.

Question. Did they ever visit the cabins of the negroes?

Answer. Yes, sir; very often.

Question. What do you know of their taking away arms from the negroes?

Answer. I don't know that they ever did. I know they took several guns; I saw the guns sticking in the mud-hill, where they said the Ku-Klux stuck them; but I can't say they took them from the negroes.

Question. Is that the general understanding there, that the Ku-Klux took their guns from them?

Answer. Yes, sir; and any other man, white or black, that didn't walk as they wished him to walk, they took his arms.

Question. What do you mean by that; that they did not vote with the democratic party?

Answer. Yes, sir; and go according to their orders—just be governed by their orders.

Question. By the orders of the Ku-Klux Klan?

Answer. Yes, sir.

Question. What was done with these gentlemen in your courts; was any notice taken of these proceedings?

Answer. Not much; mighty little.

Question. Were the people afraid to attempt to prosecute them?

Answer. Yes, sir. A man might as well go and dig his grave as to go to Blountsville and apply against a Ku-Klux or try to warrant him.

By Mr. BUCKLEY :

Question. Or have him arrested?

Answer. Yes, sir.

By the CHAIRMAN :

Question. You think it could not be done?

Answer. No, sir. It might be in some places.

By Mr. BUCKLEY :

Question. But the man who would do that would endanger his own life?

Answer. Yes, sir; he wouldn't live long.

Question. Is that the reason you did not go and make complaint?

Answer. Yes, sir; just the reason. I was told by several to do so, but I was too sharp to do that. I like my life as well as anything else.

By the CHAIRMAN :

Question. How many in your county dare vote the republican ticket?

Answer. I don't know; I have never been to an election in my life, and I don't know anything about the elections, because right there when a man went to the polls and voted he right there got the Ku-Klux against him, and to keep from harassing by them I always staid at home and attended to my own business, to keep the peace and have them to let me alone.

Question. Were you afraid that if you went there and voted your sentiments you would have the Ku-Klux after you?

Answer. Yes, sir; I knew that if I voted my way they would have something to say about it, and I let it alone. I knew they could do without my vote.

Question. Did the other Union people feel as you did?

Answer. Several of them did, I know; a great many of them did.

Question. How as to the negroes?

Answer. Hardly any negroes voted. The first election after the war a great many voted, but after that they hardly ever voted.

Question. Do they keep away from voting because they are afraid of being Ku-Kluxed?

Answer. I would suppose so. Before the Ku-Klux came around they voted, but afterwards they have not.

Question. Do you know of any Ku-Klux being at that camp-meeting at Gum Grove?

Answer. No, sir. I heard them shooting there, but I was at home. I live a mile and a half from the meeting-house. I heard the pistols firing at the camp, but my wife was sick, and I was at home with my wife.

By Mr. BUCKLEY :

Question. What doctor was it attended your wife ?

Answer. Doctor Garlington Coker.

HUNTSVILLE, ALABAMA, *October 11, 1871.*

WILLIAM SHAPARD sworn and examined.

By the CHAIRMAN :

Question. What is your age and place of residence ?

Answer. Sixty-seven years ; Blount County.

Question. How long have you lived in Blount County ?

Answer. Ever since 1847 ; you can count it up ; I don't remember precisely. I lived there in 1847, the first year.

Question. Of what State are you a native ?

Answer. Virginia.

Question. How far do you live from the county-seat—Blountsville ?

Answer. Six miles north.

Question. Are you a farmer ?

Answer. I am.

Question. Owning land ?

Answer. I do.

Question. During the late rebellion what was your position ; were you for the Union or for the confederacy ?

Answer. Gentlemen, can you indulge me a little right here ?

Question. Yes, sir.

Answer. I can answer, and perhaps save, a good many questions. My grandfather and my father and my mother and all my associates taught me to be loyal to the American Government—to the United States Government. If I have ever been doubtful on that subject at any moment I don't remember it at this time.

Question. Were you outspoken in your sentiments and opinions during the war and since the war ?

Answer. No, sir ; when I saw the difficulties coming up I determined on the spot just to withdraw and be as quiet as possible. What communications and conversations and everything I did were entirely confidential. The reason of this was this : I saw the people had become demoralized ; that probably dangers would come up, and I called up a few of them to counsel and advise for each other's safety, and some of us went into an agreement together that it was a matter beyond human control, and that we had better be prudent.

By Mr. BUCKLEY :

Question. This was at the beginning of the war ?

Answer. Yes, sir ; I seldom ever talked it in conversations ; if I did, as soon as I saw what it led to, I withdrew on the spot. I was stigmatized there as a Lincolnite, first, because I wouldn't rejoice over the battle of Manassas. I did refrain from rejoicing there from the fact that I was enlisted the other way. That is very clear, but I looked at circumstances of this kind and used the expression—and fifty people can be brought here to establish it—said I : “ Gentlemen, stop ; go back to 1832. A point like that occurred between Russia and Poland, and Poland thrashed Russia four times worse than you thrashed them, and in less than twelve months Russia came on again with an increased force, and Poland thrashed her again, and everybody thought it was settled ; and in less than three years Poland was conquered and partitioned out. Now wait three years, and if you make as much as you think you will, you may thank God for his blessings.”

Question. Have you been subjected to persecution, since the war, on account of your political sentiments ?

Answer. Yes, sir ; pretty much all the time.

Question. What has been the nature of that persecution ?

Answer. Well, I believe they call me now a radical and a negro-equality man and a traitor.

Question. Has there been any other persecution, besides hard names, to which you have been subjected ?

Answer. I understand your question. You have a period of three, or four, or five years to go through, and a great many things to look over, and—

Question. Make your statement as short as possible.

Answer. It was not my intention to take any part in public matters after the surrender : I was prevailed on to do so. As soon as my position was known in the war,

there was a notice put up on my gate-post giving me ten days to leave the country in. It was done in the night by some person, I don't know who; I never could find out.

Question. Was the notice signed by any one?

Answer. No, sir; it only had three K's over it, and any person could see it was a fictitious handwriting; the man that did that used a pen that showed it.

Question. About what time was that notice?

Answer. I can't date it, only this way; just as soon as they saw my efforts in the county were prevailing, and that I was troublesome to them there, it came.

Question. Was it before 1867?

Answer. At what date was the general convention held here?

Mr. BUCKLEY. That was on the 5th of November, 1867.

The WITNESS. Well, it commenced there about eight o'clock that night on that stand that day; that notice was put there on my gate; at the next circuit court I was returned to the court prosecuted for immorality.

By the CHAIRMAN:

Question. On what charge?

Answer. Trying to kill a man, I think.

Question. Do you mean that you were indicted?

Answer. Yes, sir.

Question. Was there any foundation for the charge?

Answer. Perhaps the details of the matter will be shorter and explain all that, than by answering questions that way.

Question. Well, go on and make it brief.

Answer. I was advised confidentially afterward that everything was against me, and if I didn't leave the country I would go to the penitentiary for ten years. I was tried afterward up in court, in Blountsville, and not a witness appeared against me. The very man I was indicted for trying to kill swore there, in open court, that I had always been friendly toward him, that he had never entertained a hard feeling against me, and that he would rather trust in me than any other man living for a friend.

Question. What other demonstration was made against you besides this notice on your gate?

Answer. That clears up that matter. Now suppose—

Question. What?

Answer. Are all hands done with that? I want to get through as I go along.

Question. Do you wish to add anything to your former statement?

Answer. I give that as what I consider a fair statement of that trouble; that I was prosecuted maliciously; that the very man I was indicted for trying to kill went into court—he was a witness against me—and he went in and swore I never had done him any harm in any way, and if he was in danger he would rather trust me than any other man.

Question. Who got up that prosecution against you?

Answer. It was done in a clandestine way. I never have been able to find out. I have only a private opinion on that, and I reckon that had better lie still. I prefer myself that my private things of that nature should lie still.

Question. Did you leave the country in pursuance of that notice?

Answer. When I had business I left, and when I got through I returned.

Question. Then you did not go in consequence of that notice?

Answer. No, sir.

Question. What other measures were taken against you, if any?

Answer. About this time, and in connection and along with it, a certain man forced a conversation upon one of my daughters—

Question. Will you speak louder in giving your answers?

Answer. Before we go any further with my evidence I wish one thing understood. I always prefer familiarity with every man—at least, good acquaintance. My health is one thing I can't control, and nobody else here. Anything that might be complained of originates from that. So far as any person in this matter is concerned, I will take it as a favor. I hold this doctrine: If a man is a friend to me he will correct me, and if he is not a friend he will not correct me. Now I will speak a little louder. He wanted to know if she had heard of the Ku-Klux; that I have from her.

Question. Proceed with your narrative.

Answer. She replied that she had, but she had no further use for any conversation on that subject. He wished to know of her if I was not afraid to stay in the country on account of them. She told him to inquire of me about that; that she didn't know. He inquired to know what would they do if the Ku-Klux came to my house. She advised him if he wished to know to come and see. He inquired, "Would you let them come in the house?" She replied, "Come and see." He replied back, "When they come you had better mind how you behave. If you cross them they will tear the house down, and all of you will go over the moon."

By Mr. BLAIR :

Question. Go over the moon ?

Answer. Yes, sir, that was his reply. I don't know the road there. That is as she communicated it to me.

By the CHAIRMAN :

Question. Did that end the conversation between the Ku-Klux and your daughter ?

Answer. About. I don't think of anything more. She told the fellow, probably, to shut up his mouth and clear out ; that she didn't want to talk with him, or some how so ; that it was no conversation with a lady, or something of that kind.

Question. What was the name of the man who had this conversation with your daughter ?

Answer. Abner Stewart. He lives about a mile from my house.

Question. When did that conversation occur ?

Answer. Well, sir, about the apparent time they began to ride about there at nights when this thing came up. I don't know how to name it or phrase it, because I never put myself to any trouble, not half as much as about coming here.

Question. Who do you mean by "they," in saying they commenced riding about ?

Answer. I mean—I don't know what I mean. You must take that thing like it fits. At that time I was notified by several that the time had come for the carpet-baggers, and negro-equality men, and scalawags had to leave the country, and it was currently understood over the country. Now mark : I tell you through all these circumstances I was not mingling in public matters. I staid at home as close as most of men. I don't suppose I have been off my place three times in six months, until I started here. I stayed about my farm.

Question. How was this notice given that scalawags and carpet-baggers should leave the country ?

Answer. Occasionally the men would come to me and begin conversation in a way, coming up unexpectedly, and use an expression similar to this, or in these words: "We have got the thing dead now ; we have got an organization that is to whip out everything ; and all the damned scalawags, carpet-baggers, and negro-equality men shall leave the country."

Question. Were the men who spoke to you in these terms disguised men ?

Answer. No, sir. You see I had no chance of seeing disguised men only in one way—if they came where I was. I didn't travel about at nights, sir, and seldom in the daytime.

Question. Who talked to you this way in relation to carpet-baggers, and scalawags, and negro-equality men leaving the country ?

Answer. John Copeland, Lewis Copeland, Virgil Newsome, J. W. Moore, the probate judge there, and various other men.

Question. Were these leading influential men who used this language to you ?

Answer. One is a probate judge.

Question. Who are the others ?

Answer. He and two others told me they belonged to that organization.

Question. Judge Moore and two others told you they belonged to that organization ?

Answer. Yes, sir. They told me the place or house that the organization was formed in, and several other members of it.

Question. Who are those two others you refer to ?

Answer. The two Copelands and Newsome.

Question. Where did they say the organization was formed ?

Answer. In the Masonic Lodge at Blountsville—stop before you begin there ; I said the Masonic Lodge. I want, before you put that down, to frame that very cautiously. I don't want you to infer from that that the Masons done this matter, but it seems that this party somehow had the use of the room in that house. And he pointed over, and said, "It was in the lodge there." That I wanted to explain, for fear it might get out that I had accused the Masons of being in this.

By Mr. BUCKLEY :

Question. By the Masonic Lodge he referred to the building where they met ?

Answer. Yes, sir ; merely the building, not the fraternity. All this from Virgil Newsome's conversation and from the others, Moore and the rest, seems to have originated from this : that they seemed to have been in expectation that I was going to canvass the county, and make speeches—they seemed to infer that—but they were mistaken. I had no such intention ; on the other hand, there was a fixed determination not to do it, and I did not do it.

By the CHAIRMAN :

Question. Fix the time as nearly as you can when Judge Moore and Mr. Newsome and these others named told you this.

Answer. You can fix it, I reckon, faster than I can.

Question. What time was General Meade's order for the legislature to meet and commence the work of reconstruction?

Mr. BUCKLEY. I think that order was issued either the last of June, or the first of July, 1868. It was after the general omnibus bill was passed by Congress.

The WITNESS. This is not the first time this thing occurred to my mind, but the nearest I can date it is, it was about six weeks before that order issued.

Question. Do you think it was after March 2, 1867, the date of the reconstruction acts passed by Congress?

Answer. O, yes, sir. My attention has not been particularly directed to this, but it grew out of this: some person put the report out that the country was to be put under military rule, and I was to govern it. That was the first I had heard or thought of a thing of that kind, and I recollect at the time it was pretty clearly understood that the legislature was to be called together, and I had got a communication advising me of some facts, and I laid it down, and some person that was at my house happened to see it was on this subject, and that is what this report grew out of; and the first time I appeared in company, I was attacked on that subject.

By the CHAIRMAN:

Question. What did these gentlemen tell you was the object of this organization?

Answer. To break up negro schools and break down negro equality; burn up school-houses and churches; drive the God-damned radicals out of the country, and the carpet-baggers, and scalawags, and restore law and order; that law and order was to be the result of that course of things. I stuck up a peg there.

Question. You were mystified over that?

Answer. I never could understand it, and don't yet. That last remark about scalawags and radicals was made by Lewis Copeland. I wished to know their author. They had classed me as a leader or active participant in the proceedings that were going on. I inquired of them after I stuck up that peg.

Question. What answer was given?

Answer. Tom Nations informed them that I was the leader.

Question. What do you suppose was the strength of that organization in Blount County?

Answer. I am not through with that yet.

Question. Go on with your statement. You go so slow, that I do not know when you get through.

Answer. It is so long, Mr. Pratt; we make more going slow than fast.

Question. Take your own course.

Answer. They said Tom Nations was the author. I give it now just as it occurred. Says I, "Who pays Mr. Nations for his services?" They replied that they didn't know. Copeland then crossed his arms this way, [over his breast,] "Well, we have got an organization here for all such men as old Tom Nations, and now, if you don't take down his sign, he will be taken out of a night, and we will give him one hundred lashes, and he shall never know who done it."

By Mr. BUCKLEY:

Question. What did they mean by taking down his sign?

Answer. I didn't inquire; I give the words; all the time I was trying to get out of it; I didn't want to talk with them about it. Judge Moore replied, and gave a nod to the place Newsome had formed his organization, and says, "Yes, that was fixed up over yonder, and now," says he, "if any man wants to work in the garb of the radicals, let him try it."

By the CHAIRMAN:

Question. This man Moore was the probate judge, I understand?

Answer. Yes, sir. "Whenever he commences it, he will get notice to quit, and if he don't he will get a hundred lashes, and if that don't do him, he will be taken out and swung to a limb and that will end it. We intend to clean out the country;" and Gillespie says, "That's so;" and after he made the remark, all three of them gathered about, and looked around and made a gesture like that, [of emphasis,] "Yes, that's the law." I walked off. Since that time various acts of violence have been committed, and if that be the law, the law has been literally fulfilled.

By Mr. BLAIR:

Question. What?

Answer. If whipping men and taking them out and hanging them is the law, the law has been literally fulfilled from that time up until now. A great many men have been whipped and driven off since.

By the CHAIRMAN:

Question. How many would you think, from first to last, in the county of Blount, have suffered in this manner?

Answer. I am not prepared to give the precise number. The first I heard of was the sheriff of the county. When he was in his regular social intercourse, in open day-time, in the presence of fourteen or fifteen citizens around the country, all property-holders and citizens, he was murdered in cold blood about 11 o'clock in the day, and a man that murdered him was known to be a Ku-Klux—I suppose what they call Ku-Klux in these times. He came there, and, I am informed, put on his uniform or disguise—I don't know what the correct name is; I talk of it as they talked of it to me. They were in the habit of riding in there in the day-time. He killed the sheriff.

By Mr. BLAIR:

Question. Give the name of the sheriff and the man who killed him.

Answer. Levi Murphy was the sheriff and the man that killed him was named Russell. I don't know his given name; I never had any acquaintance with him.

Question. How do you know he was a Ku-Klux?

Answer. I stated a minute ago I had these facts, and they were communicated to me chiefly. Mr. Murphy was killed, and the day before Murphy was there selling goods, and I know his store was shut up, and he can't be found since. I have to speak of these things pretty much in this way; I believe the sun rises and sets, but I have never been to the place where it rises or the place where it sets, and yet I believe that is a settled question without tracing things that far. I don't think—if there is anything wrong in saying he killed Murphy, or was a Ku-Klux, let the blame fall on me, and that is risking a good deal.

By the CHAIRMAN:

Question. Was this Murphy a republican?

Answer. Yes, sir.

Question. How long had he been serving as sheriff when he was killed?

Answer. Just commenced.

By Mr. BUCKLEY:

Question. Was he elected at the election of February, 1868?

Answer. Yes, sir.

Question. He then had just entered upon his duties as sheriff?

Answer. Yes, sir.

Question. At what time of the year?

Answer. That must be governed by this fact: the records and his bond will show there, some time in July or August; sooner than that, I think; March, I think, is the time nearer.

By the CHAIRMAN:

Question. What was the reason of Russell killing Murphy?

Answer. I don't think that has ever been explained, or can be any more than it is, just as I say.

Question. Killed because he was a republican, do you mean?

Answer. It might be a little further explained in this way, I suppose, though, inasmuch as there are things connected with this now that I can't say, as I was not present at everything, but it is not worth while to use so many words; you all understand it. The contest was getting pretty high between the democrats and republicans. Don't put this down; I want Mr. Pratt, though, to know how to frame his questions. The conversation originated something about radicals and republicans. Murphy remarked that he was a friend to reconstruction, and words that I don't remember and cannot repeat were passed between each other, and while it was going on so Russell remarked to him, no man should use such language in his presence. Murphy stepped up to him and says, "I repeat again what I have said, and intend to stand to it," and at that Russell, I suppose, drew out his pistol and shot him dead. You ask an explanation; I tell that; I don't give that as evidence; I have it from hearsay.

Question. Do you believe that account to be true?

Answer. I have never had any reason to doubt it.

Question. Is that the general understanding of the manner in which he was killed?

Answer. Yes, sir; that is the general understanding, because I was interested. You know any civilized man in a civilized community, when an outrage of that extent is committed, will go to some extent to find out the facts—whether it was justified or not. I did that, not thinking it would lead to this, and I give that as my best understanding; but I don't say of that, as I said awhile ago, that it was a settled fact. They may bring in some little thing I never heard of about it.

Question. How many killings have occurred from political causes since Murphy was shot?

Answer. When you come to take evidence you will find that as difficult as the other.

Question. Give the best opinion you can.

Answer. I can say this—before we reach that I will say it here, because you will

reach it quicker—you will find out that all the men that got killed were republicans, and those that did the killing were on the other side. I can stand up to that. There is Levi Murphy got killed; and Russell Campbell got killed; and Lemuel Falkner was killed; and Lewis Ketchum was killed; and a man named Higgins was killed; and a great many others that I can't recollect; and a great many more were whipped and driven off; and an organized band called Ku-Klux, or understood to be Ku-Klux, marched through the streets of the county-seat, right before the sheriff and the probate judge, day and night, whenever they pleased, and never has one of them been arrested, as I heard of, or an attempt to arrest them. And there is a man on this ground now that was arrested and prosecuted there for going peaceably with other men to try to insist upon peace, harmony, law, and order. Not only prosecuted, but he was driven from the country. In hopes of peace he has returned, and he is now notified to leave again.

Question. Do you mean that all these men that you have referred to as whipped, killed, and driven from the country, were so maltreated by the Ku-Klux organization?

Answer. I am not at a loss to answer that question, but still another thing was on the end of my tongue when you mentioned that.

Question. Well, go on.

Answer. At the last election, John F. McDowell informs me that when he went to the election to vote, the sheriff came to him and took him by the arm and wanted him to vote the democratic ticket, and giving him one. He looked at it, and told him he didn't vote that ticket. The sheriff told him that was the way they were all voting, and to come along and vote. He got him up to the polls, and McDowell says, "If I vote I give my own vote." "Who do you want to vote for?" He says, "I vote for a republican ticket," and there was officers, and all around had tickets, they said, plenty of them. He called for one, and they said, "We don't keep them tickets here at all; you will have to go somewhere else," and he went about fifty yards off and got him a ticket, and some four or five of the gang followed after him and stood by and watched; and after he got it, they wanted to see what was on it, and began in this way: "Damn you, do you vote that ticket?" "I do." "Do you vote for that damned nigger?" They pointed out one. He stepped off and got a pen and scratched out that name, and went and gave his ticket in. Various people in the crowd were heard to say, "Damn him, he is good for a hundred lashes." "Damn him, he shan't live here two weeks." Such conversation was heard about in the crowd. In a few nights afterward they broke open his house, and, I suppose, left him for dead. They beat him terribly.

By Mr. BUCKLEY:

Question. Were they disguised men that beat him?

Answer. They were. I don't reckon they will dispute that, as they managed to get a part of their rigging here.

Question. Do you mean a part of the disguise worn at that particular time?

Answer. In the fight, he and his children secured that much of them.

By Mr. BLAIR:

Question. He and his children did that?

Answer. Secured some of their apparel that they had along with them in the fight. I don't know for certain, but I think it can be brought here, if you want to see it. When he left, he asked me to take care of it. He lived on the homestead place that he has improved very well. His residence, I think, is very important to secure title, and he wishes to return to it. Some three months ago he was at my house, and he wishes to return. I told him I couldn't advise him, but if I were in his situation I wouldn't risk it. So severe was the other party, that in a few days after he left, just on mere suspicion, after I had forgotten the circumstance of his being at my house, there comes the fellow that had been employed on the other side (and they made a mistake when they employed him) to come and to probe around me and seek employment long enough to find out whether McDowell intended to come back to the county or not. He stated Judge Moore had got him to do that thing, and he went and told Judge Moore he could not find out. The judge studied awhile, and said, "God damn him, if he ever does attempt to come back again, I hope he will be killed before he gets here, and he shall be killed anyhow." He says, "I don't care anything about it myself." That is what that witness informed me. McDowell now is off in that situation, and he can't come back under these circumstances. Up to that time, and for a while afterward, I think it was a settled question that there were Ku-Klux. I had to take that from the general appearance of things. I had no recourse to their records or anything to find out; but since there has been a law passed by Congress called a Ku-Klux law, and Aleck Stevens, of Georgia, has stated that there was a regular Ku-Klux organization during the rebellion, and that these were bastards, that has come out now. They say they don't want to be known as bastards. There is a report got out now that there is no Ku-Klux; and so, when you ask me who are Ku-Klux and who are not, I can't say, because I can only judge by their acts, and when they say it is at an end, I don't know which is the affirmative with it.

By the CHAIRMAN :

Question. I will vary the question, and put it in this form: Have these whippings, killings, and expulsions from the country been committed, as a general thing, by men who were in disguise?

Answer. As I was not present and never took no pains to know, technically, all the facts in regard to that, I can simply say this: The men who do it generally can be found out, and when it is mentioned in circles about, these men that are known as Ku-Klux nod to each other and are generally pleased; but if a republican is there, he hangs his head, and knows if he goes to reasoning anything, that in a night or two his house will be capsized and he will be swung to a limb.

By Mr. BUCKLEY :

Question. Did you hear of disguised bands riding through the county?

Answer. I have seen them myself.

Question. Recently?

Answer. Yes, sir. One of them dropped off a piece of horseshoe galloping by me, and I have the shoe now. I tracked him home and fitted it to his horse's foot—or mule, rather.

By the CHAIRMAN :

Question. State what is the common opinion or understanding as to these outrages having been committed by men banded together and in disguise.

Answer. All the people who suffered for these opinions and are loyal to the country are satisfied that it is an organized band. They are not so particular about the name. They know it is an organized band, determined to act in opposition to the United States Government. On the other side, these men that do it don't come out—that is, they do come out. They say there is no Ku-Klux in the country, that there is nothing wrong, that it is all law, that there is perfect law and order; in fact, that is the way they call it. I don't think it is any other thing from the conversation I have heard. You may go to one of them—just there, I will say (I had forgotten it entirely) I have another very important thing. I have made a memorandum somewhere, but I haven't got it here, but when I heard it I thought that would do to notice. When there was such a reign of terror and everything going on in this way, I saw General Crawford here, and we thought we had the thing secured and we would get military assistance. General Crawford promised, and no doubt thought he would give it at the time. But things took a change. Well, for a few weeks that thing threw them in suspense. I suppose for six or eight weeks things went down, and I started to hope we were going to have peace, and all of a sudden there was a worse outbreak than ever. A man I can rely upon informed me that he heard Judge Moore, there at Brooksville, say that, "Damn them, we have got them now."

Question. When was that?

Answer. When was the United States court held here? last November a year ago.

Mr. BUCKLEY. In 1869?

The WITNESS. Yes, sir; soon after that; here in January after that.

Question. January, 1870?

Answer. Yes, sir. He says, "Damn them, we have got them now." Says he, "Some damned rascal has wrote to Smith for soldiers in here, and Smith wrote to me to know whether it was so or not, or whether there was any need for them or not, and I wrote him word that we didn't need any soldiers here; that everything was right and nothing wrong, and I have the promise from Smith that there shall be no soldiers sent here."

Question. You mean Governor Smith, at that time governor of this State?

Answer. Yes, sir; I forgot to mention he was governor.

By the CHAIRMAN :

Question. What has been the condition since?

Answer. They took a start right there, and run over everything rough-shod.

By Mr. BLAIR :

Question. Who was the man who told you that Moore said this?

Answer. James Ketchum. I have invariably, since that, when any man would come to me and talk about it, (I can't say quite invariably, but very nearly so,) said, "We are helpless, and to aggravate an already exasperated community, where they have everything in their own hands and everything against us, we had better be quiet, and stay at home and attend to our own business, and try to never have a collision with them on any subject; for it is useless to talk about coming in contact with them when they have every controlling power except physical force, and our physical force is worth nothing without a law for to protect us." Our law is good enough, to my judgment; just as good as I want, if it would be administered; but it is very difficult for me to understand that a law could be framed upon any principle of justice that would protect one class of men to the exclusion of another.

By Mr. BUCKLEY :

Question. Has any one been arrested, or indicted, or tried for these killings of which you have made mention ?

Answer. The first case, for killing Levi Murphy, as I told you, fourteen or fifteen citizens were there, and not an effort was made ; and I think, probably, out of them some of them assisted him off, but I don't say so ; I think it was so.

Question. He, however, left the country ?

Answer. Yes, sir. As to the prosecution, it is probable that there are some prosecutions. You know these grand jury proceedings are secret. I think probably there have been some bills of indictment made ; but those bills of indictment, if you will investigate them, are made for a mere sham to cover up and conceal crime, and when they were handed out to the sheriff, before the sheriff would come one step to serve them, it will be like this : " Here, Buckley, by God, see yonder is Jim Montgomery. I have got a *capias* that will play hell with him. He had better leave. Then you whip around and tell Jim to leave." As soon as the sheriff has given the wink, he goes and summons three or four men, and says, " Here, boys, I have a *capias* to serve on Jim, and I must have it served or they will say I haven't done my duty." Then the men with the writ will come around that way when he knows the man has gone this way, and give him time to get away, and then come back and prove that he has done his duty. You can get proof of that.

Question. Is the judge of the circuit court there efficient ?

Answer. I have regarded him as a good man.

Question. Is he regarded as a good judge ?

Answer. I can't speak so positively. I have regarded him as a gentleman, and not only a gentleman, but he has been accepted by me as a judge, under the circumstances, as most men.

Question. What difficulty do you find, then, in executing the law there ?

Answer. Judges generally live remote from a great many of the county seats in their circuit—

Question. Is the trouble with the juries ?

Answer. Let me answer the other question first. And where things are carried on in this organization, a disguised one, it is very difficult for a judge to arrive at facts and decide upon cases of that nature without going outside of his judicial office. That is a thing I look to. I don't put that to Judge Haralson. I say all judges were put in that situation. Inasmuch as Judge Haralson will be called into question, I will say I regard him as a gentleman. Not only him, but any other judge would be in that predicament in getting in there, because I live there among them, and they are ahead of me a long ways.

Question. Is it difficult for the grand juries to find bills against such men as commit crimes in your county ?

Answer. I will state this : It has been twenty years since I have looked over the law in regard to the selection of juries. I have frequently seen jurors in the box there and noticed around the community what sort of men were on the juries, and I would rather play a game of seven-up with the best gambler in the world, with one hand tied behind me and both eyes put out, for my chance to win a stake, than to try to get a jury there that I would call an impartial one now.

Question. Do you mean that they have discriminated on account of political sentiments and Union feelings ?

Answer. As I told you awhile ago, where things are clandestinely managed, it is difficult to tell. There is Doctor White, a good neighbor, a farmer, a merchant, and citizen. As far as I know, he is a gentleman with any man that sits around here. I don't know who you are all here, but I understand that there are some here now that belong to both political parties ; but I don't believe that Congress would have sent anybody here but gentlemen, no matter what party. Now I will risk any man here, be he who he will, to try Doctor White as long as he wants to, and he will pronounce him a gentleman and a good citizen. He and several of his neighbors I can speak of, and not one of these men have ever been seen on a grand jury there. In the same neighborhood where I live, the most dissolute and worthless men are generally on the jury, and men under the most complete control. You can't pull your shoestring and tie it up more easily than they can manage these scamps. As an evidence of it, take the way I was prosecuted for killing a man, and the same man came in without my knowledge, unexpected to me, and gave the evidence he did. That is a specimen of a great many cases there.

By Mr. BLAIR :

Question. The same man who prosecuted you came in and did what ?

Answer. The grand jury found a true bill against me for an assault upon a man with intention to kill him. I didn't know what to be at, for I knew of no such occurrence. A negative is hard to prove, but I knew I had done nothing of the kind. Nobody knew it. I was at the end of my row ; but it comes up in court. I didn't employ any coun-

sel. Judge Haralson was the judge. When it was first called up, I said, "Judge, we will not quarrel about it. Dinner is close by. I think, probably, if you will wait until after dinner, and call this case up first, may be I will go into trial." He came back after dinner, and asked me what I would do. "Mr. Shaphard," says he. I says, "We are ready." The man I was alleged to have killed was the first witness, and he swore positively that he always regarded me as a gentleman, and if he wanted to select a friend would prefer me to any other man; that I had never tried to hurt him at all. The grand jury had found a bill of indictment against me of that nature.

By Mr. BUCKLEY:

Question. Returning to the subject of elections; were instances, of the kind you have related to us, common in that county—about controlling men's votes, and intimidation, and so on?

Answer. Yes, sir.

Question. Have you on election days there seen anything of the sort?

Answer. Yes. There's McDowell's case—

Question. Have you reason to think such occurrences are frequent?

Answer. My aim is to give a positive answer, because witnesses may follow afterward, and I don't want discrepancies between them and me, and I want to be particular. In that same election for which McDowell was whipped, a few weeks afterward Thomas Harper started to Huntsville with his wagon. He came some fourteen miles from home, and in the course of the night a band of disguised men came and called him up. They asked if he didn't vote in the late election at Summit, and vote the republican ticket. He told them he did. They asked him what he meant by it. He told them that was his choice. He was then asked if six other men had not voted that same ticket, calling their names. He told them he expected they had; that they were on that side, as they understood each other, all being on that side. They then gave him assurances that if ever he voted a ticket of that kind, or any of the other six did, they would come and see him again, and give him a trip over the moon. Mr. Harper is a farmer, a very industrious man, and one of the most inoffensive and honorable men I have ever been acquainted with. I have these facts from his own mouth. He came to me for advice to know how to act in the matter.

By the CHAIRMAN:

Question. Do you know any other men who have been intimidated from voting according to their opinions?

Answer. Well, sir. I have heard of a great many others, but I would just state that is the general complexion of the country. I give these facts as some. Whenever you inquire into of them in any shape, you will strengthen my sentiments whatever shape you work them in. I prefer not attempting to be anything like accurate about things I haven't conversed with, and to find the technical details it is so difficult, when you come to rule the evidence, to carry out all these things, without a conflict or trouble, and I prefer not to make anything more than a general statement, as matter of common belief.

Question. Did I understand you to say you had seen men riding through the country in disguise, banded together.

Answer. If you didn't understand me to say that you misunderstood me very widely, for I say positively I have seen them; how often I am unprepared to say. I have seen them twice within less than two hundred yards of my house.

Question. How long ago was that?

Answer. Now that is a thing I am lacking in; but the very night Horton was whipped they passed my house twice.

By Mr. BUCKLEY:

Question. Which Horton?

Answer. He is here, I think, probably. If he has not been in here he will be in.

By the CHAIRMAN:

Question. The old man or the young man?

Answer. The young man, about twenty-three or twenty-four.

By Mr. BUCKLEY:

Question. Some time last December?

Answer. Yes, sir, about that time—the night he was whipped.

By the CHAIRMAN:

Question. What other night did you see them riding in disguise?

Answer. Within the last three months a parcel of men came up to my gate and began to holler. I had heard the horses' feet. I know I heard them. I heard them when I was getting up. I have got a couple of my daughters trained for these things, and if the Ku-Klux ever come there, they intend to meet them and embrace them. They got

up and went out, and they began. It is things that had better not be talked about, but one of them came inside of the gate. While they went out of the front door, I went out of the back door, and I was getting behind the smoke-house, and they were going to entice them around.

Question. That is what you mean by "embracing?"

Answer. They went out and shook hands and arms with them, and if they had any business they would bring them in the house, and I fixed my position if they went on to meet them. I have a very savage dog, and that created a little confusion, and some of them, I expect, were drunk, by the way they acted, and they became pretty rough, and another of my daughters spoke to the girls, and said, "Girls, you had better come in the house." She spoke before she thought. Somehow it didn't fetch any further. It stopped at that.

Question. Did these men make known their mission, or what they came for?

Answer. That was so immaterial with me I didn't inquire. All the fact I rested in was, if they wanted any business in my house I wanted them to have an open way to come there, and I provided for it in the way I told you. I don't know who they were yet. I never tried to find out. If they want to come, they may come. I know I am in danger all the time, but the man that expects to get along in this world without danger certainly has not lived long at headquarters.

Question. Has this been known in the community; have you spoken of this before?

Answer. I think this is the first time I have told it outside of my family. I am, maybe, telling it now where it would make the case worse, but as General Jackson says, "I think it will be difficult to make it much worse with them." But, understand me, I don't know who are Ku-Klux and who are not. Heretofore they have said they were Ku-Klux, but now no Ku-Klux.

Question. How numerous are they understood to be, or to have been, in your county at any one time?

Answer. Well, sir, I have been to some pains to ascertain, and I suppose the organization must number about three hundred, and then the influence, and all combined together, might nearly double it.

Question. You mean by that that there is an equal number who co-operate with these disguised bands?

Answer. I am satisfied that there are about three hundred.

Question. That co-operate with them?

Answer. That wear these fine robes—I don't know how to describe these things over the head—thrown over them, and they have masks on. I have seen them as far as from here across the street, about one hundred and twenty yards, by moonlight, just getting a glimpse at the thing passing by moonlight, where fifty or sixty men were galloping by. But I was nearer than that. I am calculating from the house. I suppose I was within forty yards of them.

Question. Were the horses disguised?

Answer. Yes, sir.

Question. How large a company?

Answer. I suppose, unless I saw the same twice, I should judge there were fifty or sixty.

Question. When was that?

Answer. That was the same night I was telling you of before.

Question. Do I understand you to say that it is supposed that there are some three hundred more men who sympathize and co-operate with these disguised men in Blount County?

Answer. As accurately as I can speak about that; in my conversations with men I have fallen in company with them to know how matters and things stand there, and that is my conclusion. I haven't not traveled over the county for information of that sort, but when people come to me in distress for counsel, and tell over these matters, I have tried to get the correct situation of the country, and that is the conclusion I have come to, that their force would be about double as strong. Here, for instance, is an old man who has three sons. He will not disguise himself, but he furnishes horses and rigging for the boys. The boys count as disguised. Maybe he has two or three brothers who have no sons, and, footing it up all the way around, I think there is about as many Ku-Klux undisguised as disguised.

Question. Do you know of any depredations that this organization has committed upon churches or school-houses?

Answer. Well, sir, I think it was in the month of April—I don't know what year—but on the first adoption of the school system under Governor Smith's administration, this man, Lewis Copeland —

By Mr. BUCKLEY:

Question. You refer to 1863?

Answer. Any of you can date it better than I can, for I don't keep any public records, and seldom ever talk about it. I don't know that I have had a conversation about this matter in six or eight months, until right now, but I recollect what I have seen.

By the CHAIRMAN :

Question. It was after your constitution was adopted ?

Answer. Yes, sir ; all under that. I happened to be called along the road, and wanted some directions about the road, and I stopped at Lewis Copeland's gate. I saw him come walking up the road with some children along that had their slates and books. After I got the directions I wished concerning my route, he remarked to me, as the children passed by, "Now, there is a school commenced last Monday, and it is broken up already, and to-day is Thursday." I asked him what broke it up. He said he did. He went on then to tell that "they might have known before it commenced that it shouldn't stand there. No damned radical school should stand." He studied awhile, and said, "To-day is Thursday and to-morrow is Friday. It will take all day to-morrow to fix up, and next day is Saturday ; there will be no school ; and then Sunday, and I can go to work and lose no more time, and," says he, "Monday they will be out and I will be up to them, God damn 'em."

By Mr. BUCKLEY :

Question. Was this a white school ?

Answer. Yes, sir.

Question. It was a school established under the public school system, was it ?

Answer. Yes, sir.

Question. Who was the teacher of that school ?

Answer. It was a Miss Beeson, a young lady ; I forget her given name ; I know it very well.

Question. Was she an experienced teacher ?

Answer. As to that, I never troubled myself to find out anything of the sort, sir. These other things came under my knowledge, and might have probably passed unnoticed if it hadn't been for that.

By the CHAIRMAN :

Question. Go on with your statement.

Answer. He remarked before he went off, "Old Tom Nations" (it is his granddaughter, and the hatred between him and the Nations was intense) "says it is his granddaughter and he will put her over in the Vallaning house, and just as sure as he does, it shall be burned down, and he shall never know who done it." I remarked that that would be an inconvenient place for a school, I thought. Says he, "Where then ?" I pointed up, and said, "Would not that church up there be a better place ?" Says he, "Let her go in there." Says he, "The damned bitch shan't teach in the county, and no school that Tom Nations gets up shall be taught, or any other damn radical. I intend to burn them all out, and I intend that that house shall go too, church or any other house, and they will never know who did it." The school opened there the next week at that house, and in a few days it was burned down, or rather a few nights, for it was burned down in the night.

Question. Do you know of any other school-houses which were burned in that county ?

Answer. Yes, sir ; up here Mr. Thompson had a school. These disguised men were complaining very much about it. I have seen the ashes, and I saw the house before it was burned.

By Mr. BUCKLEY :

Question. Was it a school for white pupils ?

Answer. Yes, sir. I think the only complaint was that the school was radical. Mr. White, the county superintendent, came to me to see if I could give him any assistance in organizing negro schools there ; that the law requires that it should be impartially done. There was this difficulty about it, particularly about Blountsville : that white men were willing to undertake it, but that this disguised party had threatened them, and they were afraid to undertake it, for fear of being Ku-Kluxed, and they didn't know what their pay might be. It was a general thing over the county. They didn't succeed.

Question. Did not establish any colored schools ?

Answer. I will not be positive, but I think he did succeed in getting one in one particular neighborhood where these troubles didn't exist ; and that is the only one I have ever heard of in the county.

By the CHAIRMAN :

Question. You have mentioned two school-houses as having been burned.

Answer. They were churches instead of school-houses, and school was taught in them, and the animosity grew out of the intense hatred in regard to both, churches and schools, so far as that is concerned.

Question. To what denomination of Christians did the church belong ?

Answer. Well, the house was built and occupied and controlled by what is called the Methodist Episcopal Church of the United States.

Question. Sometimes called the Methodist Church North ?

Answer. Well, we don't make that distinction over there. We call it the Old Church,

which I reckon is about the same thing. We have been careful to call it Old Church, because we want this North and South to die out.

Question. How many other churches have been burned?

Answer. These are two I have seen; I know them to be so. Others I have heard of, but being no public man, I haven't tried to get facts about that.

Question. How many others have you heard of as having been burned; I mean the number generally over the country?

Answer. There are not many others. Wherever there has been one that has not shared the same fate it has been threatened.

Question. Were any threats made against men and women who should teach colored schools?

Answer. O, yes, sir, yes, sir.

Question. What threats?

Answer. If you call it threats, it was just this: that they had to take a hundred lashes or two hundred lashes, all pretty severe, or if that wouldn't do they would have to take a trip over the moon. That was the amount of the threats.

Question. Did you ever hear any such threats made yourself?

Answer. O, yes, sir.

Question. Often?

Answer. I can't say often, for this reason: that I don't go from home much, and in conversation on this subject in crowds, when I hear it commence, I retire. The information I get now is by this: when people are pushed to the very last resort, and can find no shelter, sometimes they come to me, and say to me, "Can you do something?" and for the last two years I have told them we had better try to be quiet and get along the best we can.

Question. Is your daughter a teacher?

Answer. Yes, sir; she has taught in Augusta, Georgia, and Athens, Georgia, and Jackson, Tennessee.

Question. Has any school of your daughter's ever been broken up, or has she been prevented from teaching any school?

Answer. Well, Mr. Pratt, I could give you some most effective evidence of the kind you would want, but inasmuch as she is my daughter, and I intend to try to live by my own efforts, and encourage peace and harmony, whenever that is in my power, and I believe that is her home, and inasmuch as she has been able to stand up against it single-handed so long, if you will let my daughter's private matters go, if you please, I will not say anything about them. If they draw this into it or get so low they can't do without it, let them take it up; but if she has by her prudence and discretion waded through these things, and can stand up without it, I ask if the committee will permit her to do so. I am not afraid for her to come, and more than that, if you want her, I will bring her; but I think, gentlemen, you will not require it. But I promise you she shall come, and more than that, when she comes, you will not have a doubt about anything she says.

Question. Have you any objections to telling the committee who threatened to whip or hang any one who would teach a colored school?

Answer. No, sir, not in that shape. I don't know that. You see the teachers were so intimidated, they were afraid to venture into it, and I don't think, for this reason, there is any particular names, it is so well understood.

Question. What I mean to inquire is, do you know what persons made these threats?

Answer. Yes, sir.

Question. Who are they?

Answer. Well, Lewis Copeland is one man I heard make it.

Question. Who is Lewis Copeland?

Answer. He is Lewis Copeland; a man of notoriety over there.

Question. A man of property and influence?

Answer. He has a certain influence. He has a considerable connection right in the neighborhood. He can control things in the neighborhood, right there, by violence or any way. I heard his son John say the same thing; and I heard Judge Moore say the same thing; and now, if you want names of that sort, I think very probably Mr. White, the superintendent, can give you plenty of them and a great deal of information of the sort, because I told Mr. White to go on and do his duty. We had to take things as they came against us, and I couldn't do anything in the matter, but I know he made complaint and came to me more than once. I know, in conversations with people from different parts of the county, they told me that difficulty prevailed in every neighborhood but one, and there they succeeded; but they were uneasy there, in the strongest republican neighborhood in the county, all the time, for fear of an act of violence.

Question. Did you ever hear the existence of the Ku-Klux order in Blount County denied until after Congress had passed the law known as the Ku-Klux act?

Answer. There is the first thing where I was ever surprised about it. A republican came and commenced conversation in the road in my presence to convince some of them that there was no Ku-Klux and never had been in Alabama. Well, if you take

words and names according to the universal nomenclature of things, it was just as certain as anything in the world that there were Ku-Klux up to that time, and I thought for a man of good sense to talk that way looked foolish. He talked on and pulled out a paper from Aleck Stephens in Georgia, that the original of the thing—the Ku-Klux—they had up in the rebellion, and when the surrender went, that was surrendered too, and there has never been any since. That's what he founded it upon. That happened lately. I began to notice back, and as far as I could see into it, there seems to have been a whisper sent out from headquarters, "Boys, if any of you have paroles from Vicksburgh or Chattanooga, before you go into this fight burn them up. It is all understood; we are not Ku-Klux now. They may put us on oath, and maybe ask you if you see any Ku-Klux ride, and then it was not Ku-Klux." If the bill of indictment comes for Ku-Kluxing, and they are pushed for witnesses, they are going to dodge it in that way.

Question. You say that is their cue since the Ku-Klux bill passed?

Answer. Yes, sir; they have all that fixed up. I know that is the case in Blountsville. I don't know how it is in Madison.

Question. Does the organization, no matter by what name it is known, exist as much in Blount County as before the Ku-Klux bill was passed?

Answer. I should say, if anything, it is a little stronger. It is difficult to say precisely, but there has been little variation in it, and I think it is a little stronger.

Question. Do they still continue their outrages?

Answer. As late as last spring a woman was whipped in the night and ordered off and driven off from the county. Two or three days before, fourteen or fifteen men in disguise went there and shot their guns; went under a pretext that they had a warrant to arrest them for some offense, but instead of arresting them peaceably went there and opened their guns on them.

By Mr. BLAIR:

Question. Where was that?

Answer. In Blount County.

Question. In what part, what neighborhood?

Answer. About three miles from my house.

Question. How far from Blountsville?

Answer. It is about eight miles by the road.

Question. What was the name of the man that was killed?

Answer. I didn't say killed. I say they shot at them and shot holes through their clothes, but didn't kill anybody.

Question. What was the name? That is the question.

Answer. One of the men is named Alldredge who was shot at. Another was named Dinsmore.

Question. What is Alldredge's first name?

Answer. Edward, I think.

Question. What was Dinsmore's first name?

Answer. Joseph Dinsmore.

Question. Those were the men who were shot at?

Answer. Yes, sir. Now, gentlemen, let me end up that matter in my own way. I don't say whether either of them are of good character or of bad character, or anything of the sort, because I don't know; but I say these things occurred in the neighborhood where peace, law, and order ought to have prevailed among these men, and the names, I expect, of every one that was engaged can be got very easily. What it was about I don't know. I learned that the pretext for coming upon them was this, that they had a warrant to arrest these two men, and when they hunted them up, they happened to find them there at that house, and when they found them there, and shot at them and didn't get them, they became greatly enraged, and swore that if that woman didn't bring them up she should leave, and at the time to bring them up they didn't come, and they went and Ku-Kluxed her and gave her fifty lashes and made her leave, and she had to leave pretty much everything she had; her dependence for a living.

By the CHAIRMAN:

Question. Do you recollect any other instances of violations of law by men banded together since last spring?

Answer. There is an old man here now by the name of Horton. I haven't spoken to him about it.

Question. We have heard his case and you need not state that.

Answer. Yes, sir. One of his sons is dead now, that they called upon some five or six months ago in the night. A man that lives about two hundred yards from the house told me that it was the cause. They beat him so he took sick and died. He died within four or five days after they beat him. They took him out of his bed in the night, and they would make a mark forty or fifty yards off, and would lay hickories to him as he started. They had a mark for him to put his toe on when he jumped in the

dark night. They had another mark that he had to jump over, and they gave him five for not coming up to this mark, and gave him five for not jumping over that, and they kept straining him that way and whipping him until they gave him two hundred lashes, exercising him in that way.

By Mr. BLAIR:

Question. What was his name?

Answer. James Horton.

Question. A son of this man who has been in here?

Answer. Yes, sir. This old man I don't reckon knows it. He was gone; they had run him off when that happened; he only came back six weeks ago or such a matter, and they have now served notice on him to leave again.

By Mr. BUCKLEY:

Question. What was the cause alleged against this Mr. Horton?

Answer. I never heard any cause alleged at all. This Mr. Billingsly, I asked him, "I suppose Jim died?" He said, "Yes." Says I, "I am sorry to hear it." Said he, "If you had seen what I did you would have been glad of it." "Why?" says I. Says he, "I would rather be dead all the time than treated as he was." Says he, "These Ku-Klux went on him and took him out, and how would you like to be jerked out of bed at night and worked the way he was? a gang of men with hickories and clubs to mark off a place and stand on each side so you couldn't dodge and had to go full split, and had to just toe the mark exactly here, and just jump the mark there, and they kept you on in that way until you couldn't jump, and when they had exhausted you in that way, just take you up and give you a hundred lashes and order you to bed again. Could you stand that, sir?" Mr. Billingsly said that was the cause. I have frequently heard them say there—there's a preacher they had employed, a man of some note, named Lakin—

By the CHAIRMAN:

Question. Tell the committee all you know about Mr. Lakin.

Answer. The most I know about him is this: That, when he came into this country, he spoke about what his business was, and that, according to the instructions given him by the conference and the duty he was sent out on, he wanted to disseminate the Gospel, and to know whether I thought it would be agreeable for him to come over there into my country. I told him I would like to see him over there. An appointment was made for him. That was his first visit; and before he ever got up into the pulpit to preach, I heard the probate judge call him "a damned political preacher." He has been a political preacher ever since by name, reported as that, and persecuted as that. There is a lawyer living over there, belonging to some shebang, that has got two wives, I know, and I don't know how many more. He wrote over a fictitious signature, and had it published in a little paper over there called *The Independent*, signed "Beeswax," (Gibson showed it to people there before he sent it, so they knew what was to come out,) accusing Lakin of being a political preacher, and a radical, and sleeping with negroes, and all that—a mighty low-down thing. Well, we didn't take any notice of that. When they talked about it, I told them to hush. I said, if a man had God Almighty to protect him and couldn't live over that, he might sink. Gibson had already two wives in the country; and, what do you think, if they didn't catch him in bed with a negro woman in about two months after that, hugging and kissing her! He packed out, and about the balance it's not worth while to tell. They turned him out of the church, and I think the reason they did it was because the case was so plain they had to in order to keep up appearances. Gibson was a very respectable man, and never had been offensive to society there; but this man Lakin is a very offensive man there.

Question. What was the reason he was odious?

Answer. Just because—I can't tell that now. I have a notion about it. I will say this about Mr. Lakin: From the acquaintance I have with him—and I have known him for some time; our intercourse has been of an intimate character—I have ever regarded him as a gentleman and a Christian, and not only a gentleman and a Christian, but a very energetic man; and I am willing to stake as much on that as anything else; that I defy any man living, since my acquaintance with him, to point to one spot on him now, sir, as to his moral character. But I have not been with him. The most of his labor has been out of my presence; but from all I have seen of him and gathered of him, I have this confidence in him. About sleeping with negroes, I know that's a lie.

Question. Was there anything in the charge they made against him of being a political preacher; was there any foundation for it?

Answer. I have conversed with him about that matter, and I have frequently heard it spoken of. When he preached they had that I told you of.

By Mr. BUCKLEY :

Question. Where ?

Answer. In the court-house at Blountsville. Before he had gone into the court-house to preach, there was about a hundred men just across the street, not as far as it is across yonder, to that side of the street, not more than half as far; two hundred men were there, at a grocery at the back door, and had been drinking and disorderly, and the probate judge called him a damned political preacher.

Question. Judge Moore ?

Answer. Yes, sir; and about two hundred more on the other corner pretended to get up a singing-school, and I reckon you could have heard them three miles while he was preaching; and then, while he was preaching, two dozen young fellows would come in pushing one another, and stand around and look, and walk right out before him, and conduct themselves in that way. They got out the tale about his being a political preacher. I happened to think about it and asked him once if had been such a thing. He says, "No." I says, "What did it start from, then?" Said he, "Did you hear the remarks that I made at Blountsville?" I told him "I did." His remarks were these: "I have come here to preach among you. I come to do no harm. I come to try to do good. Inasmuch as that is our object, I now open the door to receive members into the church. But, before any person comes forward, I wish it understood that we have no Methodist Church South; no Methodist Church North; no Baptist Church North; no Baptist Church South. It is the Methodist Episcopal Church of the United States. Now, if there is any person who is a secessionist, or in any way inimical in his feelings toward the United States Government, he ought not to join this church. I only remark that for fear some person might ignorantly become entangled. We hold that every man that is a good member of the church ought to be loyal to the Government of his country. As for politics, that is not my business; and if ever you hear of a preacher in my church meddling in politics in a public crowd anywhere let me know it, and I will silence him." That was after he finished his discourse. He said he had never alluded to it in a sermon in his life. He said that was his charge from the conference when they sent him, to let the people know in a good, friendly way, that the Methodist Episcopal Church object to receiving people into membership who are not loyal to the country. That was his duty. Outside of that I know of nothing concerning his being a political preacher.

Question. Were you ever at a meeting when an effort was made to assassinate Mr. Lakin ?

Answer. Well, I don't know whether I can say about the assassination or not. I know I was at a meeting, and I was certain that there was something of an unfriendly character at work.

Question. Go on and state the facts.

Answer. I gave him an opinion about it, to be on his guard.

Question. What meeting was that ?

Answer. It was at a place called Gum Grove, in Blount County.

Question. Was it a camp-meeting ?

Answer. Yes, sir; in the fall.

By the CHAIRMAN :

Question. Did he preach in the day-time ?

Answer. Yes, sir. His subject—I forget the passage of scripture that was his text, but the subject was baptism; and in taking it up he went back to the covenant of God with Abraham, of circumcision as an initiatory ordinance, and went on until the Christian advent came in, and baptism was introduced and the circumcision abolished; and he spoke of the atonement being universal; that the atonement of Christ might cover the whole world. But before he did that he said, "My brethren, I am called a Yankee and a Methodist, but don't be afraid of my taking offense. I am frail like other men; I might leave out something that would be important for a clear understanding, and so far as you think I have not done my duty I am willing to do all the good I can, and you are at liberty to ask me any question you please." So, as he paused, an old fellow, sitting off, looked up and said, "I would like you to explain to this congregation how you would circumcise a woman." Lakin says, "What did you say?" The old fellow asked, "How would you circumcise a woman?" Lakin said, "Well, sir, if you have lived to be sixty years old or upward, and never knew that the promise of God applied to both female and male alike, I don't want to undertake to enlighten you." That was an offense—one of the greatest offenses—that could have been done. At that camp-meeting, on account of this other thing I am going to tell you about, I advised him not to show himself after dark.

By Mr. BUCKLEY :

Question. What time of day was it when he preached this sermon ?

Answer. Eleven o'clock. After dark came he managed to get around to his bed and

went to bed. I didn't suppose any of the people knew it. As soon as after dark, in came this band.

By the CHAIRMAN:

Question. Of disguised men?

Answer. Yes, sir. I don't know; it was the band that attacked him. A lady told me a man came up and pushed over her shoulder, and like to have pressed her off her seat, and he got up to the altar. He was leaning over and up, and had a pistol in his hand as he was leaning over, and another pistol stuck out of his pocket, and she could smell the whisky about him; and he staid over there looking for Lakin, and another came up and pulled him and said, "Is old Lakin over there; G—d d—n him, where is he?" and she said, as they stood back in a moment a gun was fired, and in about a second or two another was fired at different places along as signals. Well, a general excitement sprung up then, and a man there, I think his name was Roden, who lives over in Morgan County, became uneasy about his family. He understood that George Shelton brought the crowd there. He went to Shelton, and told Shelton what he thought, and asked him to take them off, and Shelton told him if he requested it he would do it. Shelton rode away. The signal was given by firing guns. Some put the number of guns as high as fifty, but it is very uncertain about the number. I don't see how a man could tell; you might under some circumstances, but any man knows that has been used to firing of guns, that it is very difficult to count them in the dark as they go off altogether; and a considerable crowd went off with them.

Question. Mr. Lakin was not on the ground that night?

Answer. In his bed.

Question. On the ground?

Answer. About two hundred yards from where they were. No person all night knew where he was.

Question. Were you upon the camp-ground at the time of this monstrous birth of Mrs. Horton was exhibited?

Answer. I was.

Question. Did you see the child?

Answer. Yes, sir.

Question. Did you notice anything unusual in its appearance?

Answer. I did, sir.

Question. Will you describe to the committee how the child was marked, as near as you can?

Answer. I didn't go into anything like an examination of it. It was just as plain as that window that there was something wrong. The family were greatly distressed about it, and I expect I am the first one they came to about it. The grandmother of the child insisted upon it that it should be brought there. They wanted me to see it. I didn't wish it. The thing was done, and I didn't wish to be troubled with it. I saw it plainly; there was nothing right about it as a natural form. I expect everybody on the ground saw it; if they didn't, it was their own fault. The people generally went and looked at it and examined it.

Question. Did you notice anything in the child bearing the similitude of the Ku-Klux?

Answer. As I told you, I didn't make any examination with regard to that. There are so many ways for things of that sort to be brought about on pregnant woman, and as it was preaching time; and if I am at preaching I don't talk about politics or the practice of medicine, but listen to the preaching and go home; and the course of proceeding was to make it as quiet as possible and let the preaching go on. I didn't want to meddle with anything outside. After it was done I asked the father of the child if she had ever been whipped or abused by the Ku-Klux in any way. He said no. I asked him if they had ever frightened her. He said he didn't know that they had, but they had been some half a dozen times to his house of nights while she was there, and scarcely a night passed, after they were there the first time, but whenever she got to sleep all through the night she was screaming and scuffling to keep them off of him, and thinking she was in the house with her father, and the Ku-Klux were after him. She was that way not in the day, but in the night. He thinks every night she was troubled about it in the course of the night. I don't know which looked the worst, a Ku-Klux fifty yards off by moonshine, or that child in the coffin in the fix it was in.

Question. Did it give particular offense to the Ku-Klux through that part of the country that there had been a child born said to be marked with the Ku-Klux disguise?

Answer. There is a doctor there, and a Methodist preacher—that is the Methodist preacher South—as I understand, told them that that had to be fixed up, and called him in for a *post-mortem* examination, to fix it up and publish it in the papers that it was all right, all straight, nothing wrong about it. The preacher is over there yet.

Question. My question is whether members of this Ku-Klux order seemed to be disturbed at the birth of this child with the singular marks on it.

Answer. The most I discovered to testify that, was that they said the child was born

all right, and that it was a lie raised against the Ku-Klux fraternity. That was all the disturbance I heard.

By Mr. BUCKLEY:

Question. Did they not go and whip the father of the child after that?

Answer. Yes, sir; on the night when I saw them. They passed my house twice that night when they whipped him.

Question. Was this child's coffin brought on the camp-ground?

Answer. Yes, sir; and set where everybody could see it. It was all carried on the very top wave.

Question. How far did the parents of the child live from the camp-ground?

Answer. I suppose a mile and a half or three-quarters. All the connection except him and her were there. Her state prevented her from being there.

Question. The child was born dead?

Answer. Yes, sir.

Question. Do you know on what day or night?

Answer. It was the Saturday, I think, that the child was born. It was carried to the camp-ground Sunday.

Question. When was it buried?

Answer. I think it was fixed up that they were ready to bury it then, but they carried it around to the camp-ground beforehand for the people to see it.

Question. And buried it the same day?

Answer. Yes, sir. Here is a thing that might be brought up—that it might be thought to be exhibited for effect; but it was not so. The child's grandmother, an old woman, was sometimes childish, and, owing to the circumstances, it was not convenient for her to go there. This first one was the young man's mother, and this other, she was at the camp-ground, and they thought that, to let the whole family see it, it should be brought up there, and they brought it.

Question. And then carried to the grave?

Answer. Yes, sir; and when it came there, they thought everybody could have their curiosity gratified, and of course everybody, or almost everybody, could get to see it. It was not with the object of making a talk at all, although it was generally taken notice of.

Question. Was this camp-ground near Summit?

Answer. It was some three miles and a half from there, I reckon.

By the CHAIRMAN:

Question. I wish to ask you whether the laws are efficiently enforced at this time in Blount County, and whether men are protected in their lives and property there?

Answer. I am satisfied they are not.

By Mr. BLAIR:

Question. This firing on the camp-ground was done at night, was it?

Answer. Yes, sir. I suppose they commonly commenced preaching about candle-light, and it was half an hour after preaching was over.

Question. There was no appearance of the Ku-Klux there during the day, was there?

Answer. No, sir; we never saw them during the day that I know of, there or anywhere else.

Question. No disturbance during the day?

Answer. Except what I told about—the interruption about circumcision, you know.

Question. You have told the committee that you were indicted for an attempt to kill somebody; were you indicted for any other crime?

Answer. Not since that.

Question. Not since that?

Answer. Not since the surrender; I will go back of the surrender.

Question. Prior to the surrender were you indicted for anything?

Answer. Yes, sir; frequently; I have been indicted often.

Question. What for?

Answer. For almost every crime you can muster up. If it is important, I will get copies of the bills of indictment and send them to you to see. It has been so long back, twenty years. There is just this thing: there is a certain party over there that want to rule the county and rule the world, and any man that is in the way of them has to stand the storm. I had a way of just having my own opinion and feelings as a free man, and they concluded that they would learn me better, I suppose, and for a long time bills of indictment came against me, and I finally learned that I had better keep out of company pretty much. I did so, and I thought I was safe; and when they persuaded me to come into this political matter, I told them when it began I was going to catch it, and sure enough I did. By the time they found an indictment—court is only held once a year—after they had a trial I fixed and staid out. If I would go again, I would find four or five bills of indictment for stealing hogs, or murder,

or anything else. Whenever I have mingled in society there where they could see me, bills of indictment came against me; when I staid at home I kept clear of them; but I don't think any intelligent, high-minded man can go there and participate as a citizen in the intercourse of the country; if a high-minded, honorable man, I think he will catch it. They will accuse him of negro equality and everything else offensive.

Question. You think it is a great crime over there to be intelligent and high-minded?

Answer. You go and try to get them to vote for a negro, or for a negro to hold office, or to educate a negro, and you will see how it is.

Question. Did they indict you for hog-stealing because you wanted to educate the negroes and have them vote?

Answer. These old indictments—for about eleven years before the war they had no chance to indict me, because I staid away from the public meetings. One objection I had when they pressed me to canvass the county was, it would be inevitable that I would be returned to court and they would drag me about; but they prevailed upon me, and sure enough the next court they indicted me for trying to kill a man, and by the time they brought that to trial the excitement was over, the *campaign* was over, and I have not been participating since.

Question. When were you indicted for hog-stealing?

Answer. It was away back, years; I reckon in fifty-one or two.

Question. Were you tried on that indictment?

Answer. Tried on every one they ever found, sir.

Question. How many indictments were found against you?

Answer. I can't tell you—numerous. I have never employed any counsel or made any defense. They call them up in court, and I appear, and their witnesses invariably swear. I never had a witness summoned to clear me in any of them. The bills of indictment can be got there if they are not destroyed.

Question. Were you indicted for obtaining money under false pretenses from General Burke?

Answer. I forget now. I don't reckon I was, because there has never been but one indictment since the surrender—that is the one I told you about—and I never knew General Burke until during the war.

Question. Did you obtain money from him?

Answer. There has been some transactions between General Burke and myself, not very important anyway; but I will promise you this, that, if I ever obtained any from him, it was not under false pretenses. If it was, I am responsible for it.

Question. Did you obtain money from him?

Answer. If you want an exact answer— Is General Burke in town?

Question. I do not know. I suppose you know whether you obtained money from him or not?

Answer. Well, when you first asked that question I began to smell something; now I just prefer, as it is started here, to clear it up. I say, if I did it under false pretenses, I consider that a very high crime, sir, if it was only one cent, and I ought to be punished for it. I ought to be exposed for it, if I am that kind of a man. If there is any little thing between General Burke and myself, General Burke has never apprised me of it. I never heard of an intimation of it until now.

Question. Will you answer the question? Did you obtain money from him?

Answer. I think it very probable I did.

Question. State the particulars of the transaction.

Answer. I will state it with an if, and, if you are not satisfied, you can then ask another question. If I remember, Judge Humphries, now at Washington City, wanted me to remain here a little longer. I told him I was about out of money. He said, "You go to Nick Davis." I went to Nick Davis. Nick said, "How much do you want?" I told him, "Not much. Can I get what I want?" He asked me if \$15 would be enough. I said, "Yes; only to pay my bill out of town." Says he, "You can get fifteen hundred, if you want it." He was a little in liquor, I thought, at the time. We met here on the street up here at the southeast corner. He says, "You go to Burke;" and before we separated, Burke came up, and he says, "Burke, take care of this man. I have to go off. Do what he wants." I think I got three, or four, or five dollars from Mr. Burke, with the understanding, as I thought at the time, that Davis would attend to it, and it rather struck me that since there has been something said somehow about that matter, that it don't seem to be understood the way I understood it at the time it passed. In fact, I know I did get some money of Burke, and it was under these circumstances and just about that amount. That is all I can recollect distinctly about it.

Question. Under the indictment which was found against you, did you get a continuance in court in Blount County, upon your own affidavit that Mr. Davis was your attorney?

Answer. As well as my recollection serves me, sir, I don't remember that I ever asked for but one continuance in my life, and that was just to go out to eat dinner in one case, if I recollect aright. I have always been ready for trial.

Question. I ask you distinctly if you did not swear in court, in support of a motion

for a continuance, alleging that Mr. Davis was your attorney when that was not the fact, and when you knew he was not your attorney?

Answer. Well, sir, I am in hopes you will withdraw that thing; really I am in hopes you will.

Question. Speak louder, so we can hear you.

Answer. If you believe I would be guilty of such a thing as that, I am in hopes you wouldn't think my evidence of sufficient importance to trouble the court or anybody else about it. I didn't do it. I never did in my life. When I have business to do, if I am not ready, I stand square up and make it known; I don't dodge; and I was in hopes that General Burke and Mr. Davis were too high-toned gentlemen, and under the peculiar circumstances, that I was engaged in the republican cause, and off from home, and I am no office-seeker—I never had an office under the Government before or since the war—that just for the sake of three or four or five dollars, I would rather give a gentleman three or four or five hundred dollars; I have that feeling for as little a thing as that; and for them to pick it up and bring it here on an occasion like this, when the happiness of the community is at stake, I think it is showing rather disrespect to the cause of morality and patriotism. If my body is not worth it, I might raise the money, Mr. Blair. I think the clothes I have on my back, and what I have in my carpet-bag, will pay it, and I think I have friends enough to pay the costs, and if I have been guilty of anything ungentlemanly or roguish, or anything of the sort, here I am, sir. I want a government; one thing I labor for is a government to deal upon the evidence of honest men, upon truth and justice. I don't want to be concerned in it. If I had not regarded Mr. Burke and Mr. Davis as gentlemen, I never would have taken a cent from them, or asked them for it, and if they didn't regard me as one they ought not to have done it; and if they regarded me as one and had lost confidence in me, they ought to have told me so to my face, and not brought it up in this way among strangers, when I had been good enough to befriend them as gentlemen.

Question. You thought you befriended them in taking their money under these circumstances?

Answer. I don't know as for taking their money. I think I befriended them in this: When I got on my horse, swam creeks, and rode day and night, and went on without any expectation or wish ever to obtain an office, knowing that they were both office-seekers at the same time, and I used all the influence and industry I could honorably do to help them build up the republican party here, and take care of the government at my own expense, without any further reward than protection from the government and restoration of order in the country, and considered it an act of friendship for them. As for money, what little I wanted to pay my bill, after I had overstaid my time—the little change—I thought that came in as a thing arranged for the convenience of the party; not a personal matter between two individuals or three, and now, as I told you, I have heard something about this once since. My recollection was that there was a misunderstanding about it, and I have told you all I know about it.

By Mr. BUCKLEY:

Question. Mr. Burke was a candidate for Congress, was he not, about that time?

Answer. Yes, sir.

Question. In the democratic party?

Answer. Yes, sir. I wasn't working for him. I understood them to volunteer to pay my expenses, and offer me further pay if I would require it; but I was above working for money, and at the same time I was above putting up my horse and going off without paying my bill, and before it came to that, I mentioned it, and I understood them to propose to pay it. I got a little change to finish out the bill under those circumstances.

By Mr. BLAIR:

Question. Do I understand you to say that Colonel Burke was the democratic candidate?

Answer. I reckon not. If he had been he wouldn't have been intimate with me.

By Mr. BUCKLEY:

Question. I meant to ask if he was the democratic or republican candidate?

Answer. I understood Mr. Burke to be the republican candidate.

By Mr. BLAIR:

Question. For Congress?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. That is, they were candidates before the convention?

Answer. Yes, sir. I will tell you all I know about it. There was a confusion got up here, and I think hard feelings between General Callis and General Burke. I hated to

see that, and shunned it on every occasion, and I thought from what I heard at the time that General Burke judged me to be taking part against him, but he was mistaken. I never did it; but I think that some person mischievously made him believe that I was co-operating with General Callis against him. I don't know that he thought so, but I think that he did. 'Both of them were on the republican ticket.

By Mr. BLAIR :

Question. Were you a witness here in the contested election case in Judge Busted's court?

Answer. I was, sir.

Question. What was the case?

Answer. It was between Hines and Sherrod, in Judge Busted's court—right up here.

Question. Did you testify in that case?

Answer. If I did, I didn't testify to anything.

Question. You didn't?

Answer. I was a witness called upon, but I didn't testify to anything.

Question. Were you not called on the stand?

Answer. Yes, sir.

Question. You didn't testify to anything?

Answer. I think as many as three questions were proposed to me, and my invariable answer was, no. Let it be whatever number of answers, to every question I answered no; but I call that not testifying to anything. Do you understand it that way?

Question. On the contrary, did you not testify very elaborately to facts, and make a long statement as to facts within your knowledge?

Answer. I did that, and will do it again, if necessary. That question I thought was settled here. When the questions were sent on here they happened to examine two or three witnesses, and the rule was fully understood before I came on, and when I came in I remarked, "It is useless to lose more time," and proposed, as far as I was concerned, to let it go. It was settled right there. General Walker was counsel, sitting right here, and said that the interrogatories had been sent on in a certain form, and the matter should be conducted technically, according to the instructions sent, and they should ask the questions precisely as they were sent on, and the witness should say yes or no to them, and that excluded me, and I got up and went out. Now, I will with pleasure answer any other questions you can ask. I don't think you can vary it by asking any questions, or producing any evidence in any shape whatever.

Question. Were you asked a question for whom you voted in that election?

Answer. Yes, sir.

Question. What was your answer?

Answer. I told them I didn't recollect. I heard that thing handled on the streets here yesterday evening.

Question. What did the judge say when you answered?

Answer. I don't remember that he made any remark. I explained the thing before I made the answer to the court. It was in this way: that I wasn't mixing out, and didn't intend to go to the election, but some friends told me, a few days before, that they thought the difficulty between Haughey and Hines was nearly arranged, and that if I would write a letter to Doctor Haughey, that would settle the thing, and they depended on me to come to the election on that day. Inasmuch as I had some business there, I agreed to do it, and I wrote a letter to Doctor Haughey about it; but before I went to the election, I found that what they had told me was not true; that it was not settled, and that there was no chance to settle it, and when I got to the election, some of them came to me to vote, and I told them I saw no use in voting; I said that the thing was decided; that I gave up the election. Perhaps four or five got around, and got to talking, and said, "Vote, vote;" "Don't back out." And I know I had more than three tickets in my hand, of different ones at the same time, and I was tired, and I just stepped to the ballot-box, and handed in one, which had either Hines's or Haughey's name on it, and I don't know which. That was my evidence given in here. I can't say positively which I voted for. I would have been more particular, if it had not been for this; it was as clear as anything that the ticket wouldn't count for anything. If I had given it to Mr. Sherrod, it would have been the same thing. That was the circumstance under which I voted.

Question. In your testimony, you have already said you did not answer any question, except yes or no.

Answer. Yes, sir; but this thing about that voting, and who I voted for: I did not consider that who I voted for had any bearing at all on the matter that I was summoned on. It seems to have been merely a question that crept in, and I had objected to answering any questions at all previously, on the ground that a man had come to me and got me to make some statement as to the matter or things, in writing. I did not know his object when he got me to do it. He induced me to believe that Captain Hines wanted to see it, and a written statement from me was necessary; that they

wanted to have a consultation. I thought that was to be the end of it. I didn't come all the way from home on that business; I came on other business. I had done my business and started home, and was caught here below the bank, and dragged in here about that election. I was accused, and the counsel believed it, no doubt, that I had come all the way from home to interfere, but it was a mistake.

Question. Did you not answer to questions upon that trial, giving long and specific answers in reference to a great many points as to that election?

Answer. If I did, I didn't do it in the way of evidence. According to my recollection, when these remarks were made, it was just casually in coming to a conclusion about how to conduct it. The thing was not exactly settled, and remarks of that character passed backwards and forwards.

Question. Were any of those statements made in answer to questions by the attorneys?

Answer. What kind of statements?

Question. The statement you have just been speaking of that you made on that trial.

Answer. I told you among my statements was this, that the number of votes polled in the county was very far short of the registered vote of the county—if you call that specific, which I suppose it is. My recollection of it is as nearly so as I could frame it, and as accurate as I knew how to do it. Then these men ought to have let me know when I was called in here. The question asked was something like this: "How much I mixed about the canvass?"—something of the sort. "Well, I didn't do it at all." "Did I see any act of violence, to keep a man from voting?" "No, I did not." "Do you know, of your own knowledge, any man prevented from voting by violence?" I said "No;" but these other things were talked of. They came up and were discussed around before we got into the formal examination. I will take pleasure in giving you correct information. I don't want you to think because I am not a good-looking man, my intentions are not good. I tell you you are sent out here on business for the good of the country and Government, and if I am not one for it, I don't know. I am willing to do more for that than almost anything. I take a pleasure always in anything I can do, sir. I made the remark yesterday evening, that I was very sorry that things of that character should be so often brought in; that it was the misfortune of the republican party, and the whig party, both, that we had too many scalawags; and, instead of aiming at the public good, and all these men working together to keep the scalawags out, we let them in, and they entangled a good many—got into various things by being in trouble with them.

Question. You stated in your testimony that Edward Alldredge and Joseph Dinsmore were shot at by a party of men that went to arrest them?

Answer. Yes, sir; I stated that.

Question. Who were these men?

Answer. I didn't see the men, but they say it was a man named Trice, and a man named Leopard, and a man named Howell.

Question. Had they a warrant for the arrest of these two individuals?

Answer. I have understood since that they had. These individuals didn't seem to have known it at the time.

Question. Had Alldredge and Dinsmore attempted to escape?

Answer. It seems from their statement that they rode up to the house where they happened to be, and commenced shooting at them.

Question. That is their statement?

Answer. The statement from the other side might vary the facts materially. Let whichever be, if Alldredge is right, they didn't conduct themselves as they ought to. They were as much to blame for their offenses as the other side. I don't give that as a thing against the Ku-Klux. If there is a republican in the scrape, when it is left to me, I would put a double punishment on him more than on the others.

Question. You state that this occurrence took place last week or week before?

Answer. Yes, just the beginning of the week; it was week before last.

Question. The parties who went to arrest them did so under a warrant?

Answer. That is what they said.

Question. Were any of them officers?

Answer. I didn't hear of that. I inquired about that, but I couldn't learn if there was an officer among them. I imagine it was something got up like we see sometimes, somebody deputized and sent out.

Question. You just imagined that?

Answer. Yes, sir.

Question. You say that they went out under a pretext to arrest them, and yet you do not know whether they had a warrant for their arrest?

Answer. I would like before we go any further about that, if you please, in order that I may answer more to your satisfaction—will you define the word *pretext* for me?

Question. You said pretext. I suppose you meant something. What do you mean?

Answer. I was not apprised of it when I used the language, that it might be construed, but my object was to get the true meaning, and I can speak more accurately.

Question. I am not here to define words. You use your own words. I want to know in what sense you use them.

Answer. From the friends of the party that went there, I learned that they said their reason for going there was, they had a warrant to arrest them. Whether they used the word reason, or pretext, or pretense, I am not positive, but that is my understanding, in that way, that the difficulty occurred. I am not at a loss; that is all straight; but to use any language that could be construed to give an unfair face to it, I don't want to do that on either side.

Question. What was the crime which was alleged against these parties?

Answer. I never could learn.

Question. What was the character of the house in which they were?

Answer. About like the average of other houses in the country, in the neighborhood there. I never hear anything much amiss in the house, or anything of the party concerned in it. They all stood pretty much around on an equality.

Question. You said you had nothing to say as to whether these were men of bad character or not?

Answer. This last statement was what I meant when I said I was not mentioning.

Question. What do you say?

Answer. When I said I didn't know anything worth mentioning in regard to whether they were good or bad characters, that gentleman thought I said positively that I didn't know anything at all, I have heard that maybe one of them got drunk, and maybe little things, family accusations, but I think they have all been generally friendly, or on an equality, and up to recently, I think, they have generally lived peaceably among each other.

Question. You speak of the burning and destruction of these school-houses and churches. The churches are generally, in that region of country, common log-houses, built on the roadside, of no great value?

Answer. Not built on the roadside. We, over there, are not very refined, and for that reason, when we built, we thought it advisable to have our school-houses and churches away from where drunken men or others could interrupt religious services. I don't think that where a grocery is, or where the customers of a grocery are, is the place for a school. We don't seek to send our children there.

Question. They are generally isolated—to themselves?

Answer. Yes, sir, in the woods.

Question. And they are frequently resorted to at night, by travelers, wayfarers, to sleep in them, are they not?

Answer. I don't know that I ever understood that to be any ground of complaint, at all.

Question. I ask as to the fact.

Answer. If such has been the case, I have never heard it, or known it. I have no reason to believe that either one of the houses has ever been occupied in that way.

Question. I ask the question in this point of view: that houses standing isolated, alone, in that way, and sometimes frequented by travelers at night for purposes of shelter, could be accidentally destroyed by fire?

Answer. It may have been so; I don't know; but, if it was so, I have no idea that any travelers going that road knew where the houses were, because they were off entirely in a private place, built there on purpose to guard against anything of the kind, for educational and religious services.

Question. The people of the country generally knew where they were?

Answer. Yes, sir; of course the congregations and the people who sent to school knew very well.

Question. In passing through the country from place to place, the people who lived in the country, knowing where these houses were, and that they afforded a place of shelter in an inclement season, would resort to them for such purposes?

Answer. I never heard of that. So far from it, I reckon an idea of that kind never occurred to anybody but you. I have heard neighbors speak about it, and, I think, if anything of the kind had been given in conversation about among those interested, and if anybody had thought of such a thing, they would have mentioned it.

Question. Do you know where this man Russell is now, who, you say, killed Murphy?

Answer. No, sir, I don't expect there is a man, or very few if anybody, who knows. He has gone.

Question. Were you present when Murphy was killed?

Answer. No, sir.

Question. You say a number of persons were present?

Answer. Well, people who were present told me there were twelve or fourteen there.

Question. Do you know any one person who was present?

Answer. I am personally acquainted with several—perhaps every one of them.

Question. Give us the names of some of them.

Answer. If my recollection serves me aright, Gus Horton was present; it was in his

house. William Trice was present. Now, within half a mile of that place you can easily get up a good many men, and it is almost like having all present—thirty or forty—but I will not say positively. I recollect Trice said, when Murphy was killed, he caught him in his arms; and I recollect to have heard Horton say that, when Murphy started in the room, the probate judge said to him, he had better not go in there, or something to that amount; then, about the balance of them, I think I know the men personally. I can't say which particular one was there, because in a few minutes after it was done, there was a great many there.

Question. Why did Russell shoot him; was there any quarrel between them?

Answer. I heard of none.

Question. You know of no reason for his shooting him?

Answer. No, sir, no more than just this: so far as Russell's character is concerned, and all, I expect he was rather a lawless man. I don't intend to saddle the neighborhood with him. He hadn't been living there long. He had lately come into the country, and in his intercourse with society, what time he remained there, he didn't conduct himself well. Everybody complained of him. I recollect a few days before that, a man came to my house; Russell assaulted him, and he gave him a good whipping, knocked him down and stamped him. I have heard of several other altercations that he had in a very short time.

Question. Were Gustavus Horton, and Trice, and the others you mention, all friends of Russell?

Answer. I am not prepared to answer, but to guess at it, I should guess they were.

Question. Were they friends of Murphy?

Answer. If enlisted either way, I should think they were friendly to Murphy, because they were raised there, and always got along well together.

Question. They made no attempt to secure Russell?

Answer. O, no, sir; none at all.

Question. Did Murphy give him any provocation?

Answer. None that I know of.

Question. What were the circumstances attending the murder?

Answer. As I recollect, they had a bottle of brandy or whisky in the counting-room—it was a store. It seems Russell had procured it and got it in there, and they probably had met to take a social drink, and Russell was very free in expressing himself in offensive language toward the republicans, and remarked that a radical or that a republican—with an epithet of some kind—couldn't hold up his head in his presence. Just at this time Russell, it seemed, had directed the language to Murphy, and he faced up to him, and said, "I can hold up mine, sir." Just about that time was the end of it; he shot him, and killed him. That is what they represented it to me. Russell went about a mile further—a man, out of his own mouth, told me he saw it—with a double-barreled gun, and a couple of citizens there furnished him a horse and means to get away. After a few days his father came in and go this effects and wife, and sent them to him, and from that he went to unknown parts. I have never heard of him since.

Question. You spoke of John F. McDowell, who voted, upon one occasion, the republican ticket, and was threatened at the time. Were you present at that time?

Answer. No, sir. I stated, when giving in the evidence, that I had the statement from McDowell.

Question. From McDowell himself?

Answer. Yes, sir; and from others that saw it all done. It was a conceded fact in the community, and by the spectators.

Question. You stated that Judge Moore, the probate judge of your county, sent a man to you to find out whether McDowell was coming back to the county?

Answer. That's what the man told me.

Question. What was that man's name?

Answer. James Ketchum.

Question. Where is Ketchum now?

Answer. I expect he is at home.

Question. Does he live over there?

Answer. Yes, sir; close by Brooksville.

Question. Is Judge Moore a man of respectability and education?

Answer. Well, I should think he would make a very poor probate judge if he had no education; and as for respectability, our code of morals over there won't apply to the general definition of things in that respect, but I should judge that he ought to be respected by somebody; and if he hadn't been, he wouldn't have got to be probate judge.

Question. I simply wanted your ideas on the subject; not a disquisition.

Answer. Mr. Blair, I always have held that a mean man was not worth talking about, and a good man ought not to be abused.

Question. That is a very good maxim.

Answer. I never had much acquaintance with Judge Moore, and never desired to cul-

tivate any, and perhaps you had better inquire of somebody that has been intimate with him to know his real standing and morals, &c.

Question. Well, sir, your advice is very good, probably.

Answer. I don't give it in the way of advice, but of explanation. I couldn't undertake to advise you about anything, General.

Question. You happen to be on the stand, called here from your county on the part of these gentlemen of the majority of the committee, and I suppose they assumed that you were a man who knew something about the people of your county; and I ask the question distinctly.

Answer. I don't know who called me; I understood you all were on the United States business.

Question. That is not the point I am asking you on now. What is the standing of this man Moore in the community?

Answer. I told you that I never had much to do with him in any way, or tried to find out much about him. The most important thing that ever came up between him and me had its origin in these difficulties, and he is with that gang, and, owing to his being connected with that gang, that was enough for me about any man; and I became satisfied that, if he was one of them, I didn't want to carry my acquaintance with him any further, and I have shunned him; I know he is one of them.

Question. You know he is one of the Ku-Klux?

Answer. I know he is with that gang, and I know a friend of his told me he was the chief presiding officer, or Cyclops, when it commenced.

Question. Who was that friend of his?

Answer. Virgil Newsome; and then the remarks he made about the organization that they had gotten up to straighten out matters and hang people and lynch them, and that it would be carried out, convinced me that I was not suited to his taste, and I didn't want to be offensive or burdensome.

Question. Did he make that statement to you?

Answer. Yes, sir; he looked me in the face and rather bit his teeth together.

Question. He told you he was connected with an order to lynch people?

Answer. He didn't use the language you use.

Question. I am using the language you used.

Answer. I can use the same language you use and turn it about to make it something very different. You divide six by two, and the product will be three, but if you multiply two by six it will be twelve; and so you can take words and make as much difference in words as in figures, by turning them. Mr. Moore confirmed the statement that it was an organization of that kind, and that it should be rigidly carried out.

Question. Of what kind?

Answer. That if a man didn't go straight, or if he come in contact with that party, that they intended, in the first place, that somebody would take them out and give them fifty lashes, and, if that wouldn't do, they would string them up to a limb, and they should never know who did it.

Question. Mr. Moore made that assertion to you?

Answer. No, sir; another man made the assertion, and then Mr. Moore looked at me and said it should be carried out; that they had that organization.

Question. When was that?

Answer. That has been answered once. It was a short time before General Meade's order for the legislature to meet.

Question. You spoke of a man named James Horton, who, you say, was whipped to death, or was so beaten that he died soon afterward; was that a son of this old man who testified here?

Answer. Yes, sir. Let me stop you again, if you please, and, if I am going too fast, stop me. It was not exactly as you stated, but it was very materially different. I said he was very badly whipped, and he died soon afterward; but I understand you to say that you understood me to say that he was so badly whipped that he died because he was whipped. He was whipped, and he went to bed and never recovered.

Question. That is what I understood you to say.

Answer. But I didn't say but what he might have been sick outside of the whipping or something.

Question. When was that?

Answer. Well, I think it was last spring—along in the course of this year.

Question. You said he was a son of this old gentleman who testified here yesterday?

Answer. Yes, sir.

Question. You stated that you did not believe the father knew his son was dead?

Answer. I said he didn't know it. He knew he was dead, I reckon; but I said I didn't expect that he knew about the Ku-Klux whipping of his son.

Question. He has been back there since, has he not?

Answer. Yes, sir; but we don't talk about such things much; I don't; people that come about me don't talk much about it where I am.

Question. Do you suppose his brother knew it?

Answer. Yes, sir; I know his brother knows it; I know that, because I recollect to have heard him speak of it. I am confident he knows it.

Question. Is it not rather a singular thing that when he was testifying here yesterday, both he and his father, they neither of them mentioned that fact?

Answer. I don't know whether it was singular or plural. I know one thing; I was asked the question—pointed directly to it—and I felt it my duty to make the statement according to what I knew, and I reckon they did the same way.

Question. Do you suppose his brother was aware of the fact that he had been whipped by the Ku-Klux?

Answer. I am satisfied that his brother was aware of the fact.

Question. Did they live near together?

Answer. About two miles and a half.

Question. Nearer than you do to him?

Answer. About the same distance. I don't know that I would have thought of it, only going over so many things, and asking questions, was the way I came to think of it. I didn't start from home thinking of it. I don't know when I did think of it before. It was just reached as it came out from me in that manner. There is nothing that I started from home with any intention of testifying. I didn't fix it before I left. These things occurred from time to time. I didn't know what they were going to ask me, or who was going to do it, but, according to my recollection, in the way they have conducted the examination, it will be reached in that way chiefly.

Question. His brother was asked the question as to these outrages, and other questions, yet he never mentioned such a circumstance?

Answer. Well, sir, I was not aware it happened, but a man that has no connection with that at all—and I believe he stands as an upright gentlemen—about two hundred yards off, told me that he knew it was so, and he saw it.

Question. Mr. Billingsly?

Answer. Yes, sir.

Question. Saw him whipped?

Answer. He saw what was going on, and told me about their making marks, forming an avenue, and whipping him and making him leap; if he jumped too far, knocking him back, and going on so until they exhausted him, and then, giving him a good beating, they went off and left him.

By the CHAIRMAN:

Question. You stated that you had been often indicted, but had never employed a lawyer to defend you. What has become of these indictments? Were you convicted on any of them?

Answer. Acquitted on all. I have never had a witness summoned.

Question. Have you had a good many enemies in Blount County?

Answer. Yes, sir.

Question. Was that on account of your known political opinions and political actions?

Answer. I attribute it generally to that.

Question. Are Union men under cow in that region, in Blount County?

Answer. O, yes, sir; very much so.

Question. Is there not a very unfriendly feeling existing in that community toward men known to be loyal to the Government?

Answer. Their hatred is very intense, and has been ever since it originated. It never has cooled down.

Question. About how many Union men are there among the white people of that county?

Answer. Not mixing among the people freely and frequently, I might be mistaken; but I have ever been satisfied that a majority of the people are Union men.

Question. How do the democrats of Blount County express themselves in relation to the fifteenth amendment?

Answer. As far as I have heard them express themselves, they say that every man that abides it has surrendered all the rights of a freeman, and he is not fit to live any longer, and no government is fit to live that will swallow it.

Question. Do I understand you to say that the democratic party in Blount County are still opposed to the negro voting?

Answer. Yes, sir, you do understand me so.

Question. Are they bitterly opposed to it?

Answer. So much so, that I don't think, from the last election, there has been a colored vote given in the county, only some negroes among them they have got to vote the democratic ticket.

Question. Why do not the negroes vote in Blount County?

Answer. All the negroes I have asked for the reason why they didn't vote, said they had been warned that they had better not go to the election. Well, some negroes have been whipped there, and so on, and run off.

Question. Was it because of intimidation that they did not vote?

Answer. They are afraid they will be shot, and they are certain they will be whipped, if they will go there and don't vote the democratic ticket.

Question. Are the democrats of Blount County opposed to the education of negroes?

Answer. Invariably; so far as I am acquainted they are.

Question. Do you know of any negro school having been established and maintained in Blount County?

Answer. Only one, and that was under very peculiar circumstances.

Question. How long was that maintained?

Answer. I am unprepared to say, but only a few months. It was of short duration.

Question. Would it be considered safe for any man or woman to attempt to teach a negro school in that county?

Answer. I have stood everything else that came at me, but you couldn't hire me for any amount of money to undertake it on my own hook. I don't know how others would do; some people would grab at money, but money wouldn't make me undertake that there.

Question. You have heard of this "new departure" movement of the democratic party in the North. What are the sentiments of the democratic party of Blount County in respect to that movement?

Answer. I think the sentiment is sort o' tangled or run out, when you get to that. You can't get any sense out of them about it.

Question. Why; do they not understand it?

Answer. You can't make them.

Question. Does it seem to them like going back upon their old doctrines—old sentiments?

Answer. They are afraid it will throw a little help over to the radicals, and they want to hear from headquarters before they go any further into it.

Question. Do they still talk up there about the reconstruction measures being "revolutionary, unconstitutional, and void?"

Answer. Yes, sir; and whenever they get up a constitutional Congress, they are going to upset all these things and begin anew.

Question. Did you ever hear them call the Congress that enacted these measures a "rump Congress?"

Answer. Yes, sir.

Question. Is that a common name?

Answer. Yes, sir, the "rump Congress."

Question. They don't believe that any of the laws enacted by that Congress before these States were admitted were constitutional or valid?

Answer. No, sir.

HUNTSVILLE, ALABAMA, October 11, 1871.

ISAAC MARION BERRY sworn and examined.

By the CHAIRMAN:

Question. State your age and place of residence.

Answer. I am near forty years old. I will be forty the last of next month. I reside in Blount County, Alabama.

Question. How long have you lived in Blount County?

Answer. Have been living near the line of Blount and Marshall Counties. I was born in Blount. I was raised principally in that county.

Question. Have you lived in that county most of the time since the war?

Answer. Yes, sir.

Question. Were you in the Army during the war?

Answer. Yes, sir.

Question. In which army?

Answer. I was for five or six months in the rebel army. I went out under the conscription and staid about six months, and then went about two years in the Federal Army in this place. It was between one and two years—nearer one than two.

Question. Are you known as a Union man in Blount County?

Answer. Yes, sir.

Question. State whether the Union men, white and black, in that county have been subjected to any persecutions since the war.

Answer. There have been a great many outrages in that country upon loyal characters.

Question. What kind of outrages?

Answer. Generally from disguised characters.

Question. About what time did these bands of disguised men first make their appearance in Blount County?

Answer. About the time of the presidential election, when Mr. Blair, and Mr. Grant, and those run.

Question. You think they sprung up about that time?

Answer. Yes, sir.

Question. Have you any means of knowing how numerous the organization was in that county?

Answer. No, sir; I have no idea how numerous it was.

Question. Have you ever seen any of those bands?

Answer. I have never seen any disguised.

By Mr. BUCKLEY:

Question. Are there none in that portion of the county?

Answer. Not immediately where I live. I live in the mountains. They are, in appearance, each side of me. Here of late they have been existing in Brown's Valley and about Blountsville. From Guntersville to Blountsville, in those valleys, they have been raiding.

By the CHAIRMAN:

Question. You live near the line of the county?

Answer. Yes, sir.

Question. About how far from Blountsville?

Answer. I reckon it is about twenty miles from where I live to Blountsville.

Question. Do you often go to Blountsville?

Answer. Not very often; I took the census last year in Blount County—the subdivision there.

Question. Have these bands of disguised men been kept up in the county since the fall of 1868 to the present time?

Answer. They appear to be existing in there yet, more or less.

Question. Do you hear of any outrages committed by them?

Answer. Yes, sir; frequently.

Question. What outrages have you heard of committed by them since last spring—say since April?

Answer. Old Uncle Tom Nation told me they raided on him.

Question. How was he treated?

Answer. He apparently was treated very shamefully.

By Mr. BUCKLEY:

Question. Was he a white man?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What did they do to him?

Answer. I don't know that I could state altogether what they did do to him, but any way one cut him on his back. He told me they went there and drove around and cut up around, and eventually took him out. One took him up on his back and the other went behind and drew a large stick and set on him as if he were going to knock him off of the other one's back. He said he saw the lick was coming, but the fellow made his lick, and as well as I recollect, he didn't hit him, or didn't aim to. I think the old man said he saw after the fellow struck that he didn't aim to hit him, and, as well as I recollect, he looked for another to shoot him about the same time that this lick was given. They carried him down to a field, and his wife followed on crying. They threatened him and cursed him, and at last turned him loose. I don't remember the particulars.

Question. Were these men in disguise?

Answer. Yes, sir.

Question. What did they charge him with?

Answer. They had been there, I think twice, he told me. One time—I don't know whether it was the last time or the first one—he had had a certain renter on his farm tending his land, and in the settlement some way the renter was not satisfied, but thought he ought to have a little more, and they came and forced the money out of him and made him pay it over. Then they were back there again correcting some little negroes he is raising—little colored girls. I think he said they whipped them. I will not be sure, but I think he said so.

Question. For what offense?

Answer. Nothing more than because the old man, from what I have found out, suffered them to come to the table, and eat at the table where he ate. There are none but the old man and his wife.

Question. Old man Nation?

Answer. Mr. Tom Nation.

Question. He is a white man and those were negroes raised by him?

Answer. Yes, sir, raised by him.

Question. Is he a loyal man?

Answer. Yes, sir. He was not in time of the war; I think he was not. I really didn't know much about him then, whether he was Union or loyal; but since the war he has been a very strong republican, very.

Question. Is he obnoxious on that account up there?

Answer. He seems to be.

Question. State any other recent occurrence that you know of.

Answer. Well, some two or three have occurred—several, I expect, if I could think of them.

Question. Take your time. Have they been very numerous?

Answer. They are so often that I hardly pay any attention to them. I live away out and probably it is a week or two before I hear of them, and they get somewhat old before that time. I learned that they raided James Wooden's house in Blountsville.

Question. Was he a white man?

Answer. Yes, sir; a merchant in Blountsville.

Question. When was he raided?

Answer. Some time this summer. It was only reported to me.

Question. What were the particulars as you understood them?

Answer. He had some colored people hired there. They didn't abuse him any personally himself, but they went there and raised a row with his colored people, I think, and run them off, if I am not mistaken now.

Question. What was the offense of the colored people?

Answer. I didn't learn.

Question. But you understood that they were run off?

Answer. That was my understanding, that they were run off.

Question. State any other cases that you know of.

Answer. I learned it was about this way: They had gone there and made a raid on him, and it seemed they had incurred the displeasure of the Ku-Klux, or something of that sort, and they went there a night or two afterwards and told him he should not be outraged any more, and so on. It seemed he had friends who were disguisers, or some of them, and they came and told him he should not be outraged. One day they visited the colored people, and the next time they came to console with him, apparently.

Question. Were the colored people returned to him?

Answer. I do not know.

Question. State any other cases you know of.

Answer. I only heard of this Mr. Horton that was here, that was outraged; I heard of it, &c. Here this summer there was one Mrs. Russell outraged. I think her son-in-law told me it was last May that she was outraged.

Question. What were the particulars of that case?

Answer. Three men went there and knocked her door down, and went in. I don't know whether they particularly abused the old lady, but any way they incurred her displeasure by treating her so badly, and she knew them. One of them is in Blountsville jail now; the other is lying in the woods, a fugitive.

Question. What was her offense?

Answer. I never learned.

Question. Were these raids generally made in the night-time?

Answer. Yes, sir.

Question. Were the raiders armed, as you understood?

Answer. Yes, sir, that is my understanding; they generally go that way.

Question. Were the horses disguised?

Answer. Those were footmen, I think; I know the men; that is, these characters I speak of now don't own any horses; they are foot-fellows generally, and have no horses.

Question. State any other occurrences that have fallen under your knowledge of this kind.

Answer. There was an outrage made upon a young girl down there near the Red Hill, in Marshall County, near the line of Blount County.

Question. What was her name?

Answer. I cannot call it to mind now.

Question. Give the circumstances.

Answer. They went there, as I learned, and abused her very bad; whipped her very badly.

Question. For what?

Answer. I didn't learn any cause; nothing more than some boys around there had been running around her, and she had told some tales on them, and they flogged her out for it. They said that she had told some tales on some young men around in the country there that they didn't like; and that is why she was whipped.

Question. Was she a decent girl?

Answer. I don't know; I hear bad talk about her.

Question. Did they visit her in the night-time?

Answer. Yes, sir, in the night-time.

Question. How many?

Answer. I don't know that I inquired into the number; but as well as I recollect, seemingly about five or six.

Question. Were they disguised?

Answer. Yes, sir; that was my understanding, that they were disguised.

Question. They took her out and whipped her badly?

Answer. I don't know as they took her out. She was whipped in the house. Her mother was working at a neighbor's house. She was alone by herself with the little children.

Question. Do any other cases occur to you?

Answer. How far back did you say you wanted me to go?

Question. I will not limit you. You may go back and state any occurrences that have happened in Blount or the neighboring counties.

Answer. One instance is of a case this fall two years ago. They have been very numerous. I don't know whether I can recollect them all or not. There was one fellow named Thomas Pointer who was run off. He was not whipped; they could not get hold of him; that was the reason, I reckon.

Question. What was his offense?

Answer. He had been up here to the United States court as a grand juror, and they had imagined there, as near as I can find out, that he was accessory to getting some bills against them here in court for illicit distilling.

Question. Who ran him off?

Answer. Disguisers—I don't know who; disguised characters.

Question. Has he never returned?

Answer. No, sir.

Question. His only offense was that he had been a grand juror?

Answer. And he had belonged in time to the Federal Army. That is all I could learn; there was nothing else obnoxious.

Question. Do they raid upon people in Blount County for having served their country in the Federal Army?

Answer. Well, it is this way sorter: they want to keep that part of it hid as much as possible, that they are doing it for that; but I see that they don't like a man who served in the Federal Army unless he joins them and is one of their sort; then they like him pretty well.

Question. By what epithets do they call such men?

Answer. You will have to speak again to me. What was that?

Question. By what epithets or names do they call those men who have served in the Federal Army?

Answer. They call them tories and such like—those that were living there and served in the Federal Army. They generally call them tories, and look upon them as low-down characters.

Question. It is a mark of disgrace with them to have served in the Union Army?

Answer. Yes, sir; especially with these disguised Klans.

Question. You have mentioned Thomas Pointer's case. Will you mention any others?

Answer. There is one James Austin who was outraged.

Question. What was done to him?

Answer. I don't know. Some say they stuck it out themselves around that they whipped him; but he denied it. I don't know whether they abused him or not. They say they whipped him, from what I could find out. They put that rumor out among the citizens, that they whipped him.

By Mr. BLAIR:

Question. Whipped who?

Answer. Whipped Mr. Austin; but he denies it.

By Mr. RICE:

Question. What does he say they did?

Answer. He said they didn't do anything to him.

By the CHAIRMAN:

Question. Does he admit that they visited him?

Answer. He admits it. Here is the way of it: He was at a woman's named Sina King, that he has been accused of ruining. He was there and they run in on him merely for visiting Sina King.

Question. Was she a loose woman?

Answer. Rather a loose character, I think.

Question. And he denies being whipped to save himself from that disgrace?

Answer. He tries to deny being there any way.

Question. Do you know of any other cases?

Answer. Right recently that same Sina King has been whipped by them, I learn.

Question. Were the men who whipped her disguised?

Answer. Yes, sir.

Question. How many whipped her?

Answer. Some five or six, it was my understanding.

By Mr. BLAIR:

Question. Was she a radical?

Answer. I don't know what she is. She has not much politics, I reckon; women don't have much.

Question. She is for Union, is she not?

Answer. A Union woman?

Question. Yes.

Answer. I don't know. I will state the fact of that whole thing as I have got it. This here Mrs. Russell living right near her, is her aunt. Well, Mrs. Russell thinks that this Sina King is the occasion of her being outraged by these three, one of whom they have got in jail now for it. It appears that this Klan went on Mrs. Sina King, because she officiated in having Mrs. Russell abused by disguised characters; 'so it is dog eat dog among them.

Question. Is Mrs. Russell a loose woman too?

Answer. No, sir, I think not. She stands very fair among her neighbors as a peaceable, quiet, harmless woman, living to herself. She had only one daughter, and Ed. Russell married her.

By the CHAIRMAN:

Question. Did you ever hear of the Hortons being Ku-Kluxed?

Answer. Yes, sir.

Question. How many of them?

Answer. Well, there is one, the old man there and his son, that I learned had been Ku-Kluxed.

By Mr. BLAIR:

Question. Which one?

Answer. He was in here before you. He came here.

Question. Do you know his name?

Answer. I forget it.

Question. Was it Benjamin?

Answer. Basil is the name he goes by.

By the CHAIRMAN:

Question. The same one who was before us yesterday?

Answer. Yes, sir.

Question. Did you know a Horton, a son of the old gentleman, named James, who is dead now?

Answer. Yes, sir.

Question. Did you ever hear of his being Ku-Kluxed?

Answer. It seems to me that he was Ku-Kluxed, and that I learned that he was; but I will not be sure.

Question. Did you understand that he was whipped by them, and died not long afterward?

Answer. I heard of his death and then I heard of his being whipped, but I never got into the particulars of it.

Question. He died while his father was a refugee out of the country, did he not?

Answer. Yes, sir.

Question. Did you know Murphy, the radical sheriff, who was killed in 1868?

Answer. In Blount County?

Question. Yes, sir.

Answer. There has been no man murdered of that name, that I know of. I can't call it to mind.

Question. Who was the first sheriff appointed after your State was reorganized?

Answer. O, yes, I recollect now well enough; Murphy was killed. I knew him well I remember about his election. He was killed at Summit.

Question. By whom?

Answer. By one Mr. Russell.

Question. Did you understand that he was killed on account of his politics?

Answer. The controversy was about politics when he was killed, as I learn. I think it was before the election; I will not be sure—the presidential election; it was something about the election.

Question. Can you recall any more instances now?

Answer. Well, I could go back in Morgan County and over there give instances.

Question. You may do so.

Answer. The organization first came up and they raided on Judge Charlton.

Question. When was that?

Answer. That was about the time the organization first grew up in Morgan County?

Question. What did they do to him?

Answer. They went there and broke down his door. I will not say that they did break down his door, but they made an effort to do so. I am not sure, but I think they did break it down.

By Mr. BUCKLEY:

Question. Where was Judge Charlton living then?

Answer. At Summerville, Morgan County.

Question. Go on and tell about it, if you have anything more to say.

Answer. They raided in on him there, but they didn't get hold of him. One Bob Gardner run out by them as they surrounded the house, and they shot at him, as I learned. Judge Charlton's son was in the room and shot at one of the Ku-Klux out of the window, and frightened them. He shot at one, and they said that he died, but I never ascertained. It has been reported that a Ku-Klux was killed there, but I do not know.

By the CHAIRMAN:

Question. What was the accusation against Judge Charlton?

Answer. Apparently, Judge Charlton told me, it was because he was taking the ground of republican policy of the Government. He had been a democrat once early after the war, and things hadn't shaped themselves to suit him. That is just what he told me, that things coming up did not suit him and that reconstruction had taken place, and he was in favor of reconstruction and could not be in favor of it without being a republican, and was bound to abandon the democratic party; that was the cause.

Question. And this was the method they took to convert him?

Answer. Yes, sir. He told me they were trying to bring him back into their ranks.

Question. Give any other case in Morgan County that occurs to you.

Answer. In Morgan County it did not seem to exist very long. It seemed that the disguisers were rather disorganized and quit after that.

[The committee took a recess a 1.30 p. m. of one hour for dinner.]

By the CHAIRMAN:

Question. Since the recess, have you recalled any other instances of outrage upon Union men?

Answer. I have thought of one or two. There are several more, if I could draw them to mind. There are a great many of them. There was an outrage committed on an old colored man down at Summit. I think his name was Jack.

Question. What was the nature of it?

Answer. All I could learn about it was that he had sickness in his family or something, and had a difficulty with the doctor there that doctored his family. The doctor wanted him to pay, or something of that nature, and I don't know whether the old colored man refused to pay him or not, but probably he didn't pay him as soon as he wanted, and this crowd went there and collected the doctor's bill for him.

Question. Were the men disguised that visited this colored man?

Answer. That is what I learned.

Question. Their object was to compel him to pay the doctor's bill?

Answer. It seemed so.

Question. What did they do with him?

Answer. I don't know that they did anything more than to make him pay the bill.

Question. How many visited him?

Answer. I don't know what number.

Question. Is that an ordinary method of collecting dues in Blount County?

Answer. Well, it is not often the case. There are some instances of it. They do it frequently, frequently, I would say.

Question. Is there any other instance you recall?

Answer. Well, if you go away back to the time they first came in there and all, I don't know when I would get through, they would occur so frequently to my mind. Going away back, I would recollect a great many, and a great many I would not think of.

Question. From first to last, how many outrages do you think have been committed by men in disguise upon peaceable citizens in that region?

Answer. I have no idea; there are so many I could not hardly guess. It has been so frequently the case ever since they have been organized, that there has been an outrage committed every week since they have been in existence in the country.

Question. Would you think as many as one or two hundred cases have occurred?

Answer. I expect there have in my own knowledge, if I could think of them.

By Mr. BUCKLEY:

Question. I see that Mr. Lakin states in his testimony, page 134, that there have been seventy-one outrages in that county within his knowledge and information.

Answer. I would suppose he was correct. They became so numerous I just quit keeping account, and didn't pay attention or notice.

Question. You think that many have been committed?

Answer. Yes, sir, I think that many have been committed in Blount County.

By the CHAIRMAN:

Question. How many of the men concerned in committing these outrages have ever been brought to justice, so far as your knowledge extends?

Answer. In Blount County?

Question. Yes, sir.

Answer. There has never been any one, so far as I have any knowledge of.

Question. Have no prosecutions been instituted?

Answer. Not unless there is one in jail now. That is all the one I have ever known of being put in jail for outrages.

Question. Is that a late occurrence?

Answer. Yes, sir, right late.

Question. With that exception, there are no other prosecutions that you have ever heard of?

Answer. No, sir, none that I have heard of. There was an outrage committed upon one Ketchum that was in jail, and taken out and hung.

Question. What was his offense?

Answer. He had been accused of killing a man with a knife there in Blountsville. That was my understanding.

By Mr. BUCKLEY:

Question. Was he taken out by disguised men?

Answer. By disguised men. The disguised men went there the night before and demanded the key of the sheriff and he would not give it up, and they told him, as far as I can recollect, that they would be back the next night and he must be out of the way; and the next night they went back and took him out and hung him. That is the way I learned it.

By the CHAIRMAN:

Question. By what general name are these bands of disguised men who commit these outrages generally known?

Answer. They are generally known by the name of Ku-Klux.

Question. Have you any idea how strong they are in Blount County?

Answer. Well, sir, I would suppose that every young fellow—now that is my imagination of it, not that I know it—that every young fellow who is in favor of the rebel cause in the late rebellion—

By Mr. BLAIR:

Question. Of what?

Answer. Of the rebel cause in the late rebellion in the contest with the United States, belongs to that Klan, as well as I can find out.

By the CHAIRMAN:

Question. Do the elderly people approve or disapprove of these proceedings?

Answer. They did at the early organization of it, when it first came into organization.

Question. Did what?

Answer. They approved it; the older ones of what we call the secesh party.

Question. Has this organization been too strong for the law to deal with it in your county?

Answer. It has been so strong, apparently, that the law has not dealt with it. I have talked with the officials of the county, with the sheriff, and I have talked with the justices of the peace about these things, and they have told me they are afraid to execute anything against disguised men. I have asked them frequently why they don't enforce the law, and they have told me they were afraid; even afraid to issue warrants.

Question. Do you think a grand or petit jury could be empaneled in that county without one or more Ku-Klux being on it?

Answer. From the circumstances now, or the circumstances existing heretofore, I don't think they could. Under the circumstances existing heretofore I don't think they could.

Question. What difference is there in the present circumstances?

Answer. There is a committee, and it might have changed.

Question. What committee?

Answer. The committee composed at Washington, and here this sub-committee. It

has made a mighty change since that has been sitting. It has had its effects over there already.

Question. Are they afraid their misdeeds will be brought to light?

Answer. Yes, sir.

Question. Are they looking for punishment?

Answer. They are looking for it, sir, as much as I can find out.

Question. What do you know of any churches or school-houses being burned by these disguised men?

Answer. I really cannot say that I know of any burned by disguisers. I think there were two or three burned of what we call the loyal Methodist Church, the old Methodist Church. There were two or three burned, but I don't know whether it was by disguisers or not. They were burned, and nobody knows who by.

Question. What was the general supposition as to the men who burned them?

Answer. It was generally supposed it was these Klans that did it—one or two or three of them that did it; that is the general supposition.

Question. Are your free schools taught in these churches?

Answer. Yes, sir, whenever there is any money in the treasury to pay teachers; sometimes they have little schools for two or three months.

Question. Is there opposition to the establishment and maintenance of free schools in Blount County?

Answer. Not that I know of; no opposition.

Question. Why, then, were those churches burned?

Answer. All the reason I could ever assign was because they were composed of loyal characters to the Government—those that belonged to it.

Question. Are there any colored schools in your county?

Answer. There is not one in my county that I know of. There may be some in Blount County that I do not know of.

Question. Do you think a colored school could be maintained in Blount County?

Answer. It would be very doubtful. It would be owing to what portion of the county it was located in. In some portions of the county it would get on very well; in others it would be broken up, I suppose.

By Mr. BLAIR:

Question. Have any been broken up?

Answer. There has not been any tried to be organized to my knowledge, no colored schools that I know of; there may be some.

By the CHAIRMAN:

Question. What is the general sentiment in your county as to the education of the colored people?

Answer. Well, the sentiment is not, generally speaking, in favor of educating them. By one party it is, but by the other it is not.

Question. Which party favors the education of the colored people?

Answer. The republican party favors that, and a portion of the democracy does; but generally speaking the democracy don't.

Question. What objection do they make to their education?

Answer. About all I know is that the negroes are a fit subject for slaves, and that is all they ought to be, and to teach him you couldn't make nothing out of the negro. That is about all the reason I could hear assigned.

Question. Are the democrats of your county in favor of the fifteenth amendment, making the negroes voters?

Answer. No, sir; I never heard one say he was. I have talked with a great many of them.

Question. Are they in favor of getting rid of that amendment if they can?

Answer. O, yes, sir; yes, sir.

Question. Are they in favor of the negro exercising the rights and privileges of the white race?

Answer. No, sir; they are not in favor of it.

Question. Are they in favor of the negroes testifying in courts of justice or sitting upon juries?

Answer. I never heard one say that he was.

Question. Have you heard them say they were opposed to that?

Answer. O, yes, sir; frequently it is the case.

Question. Is that generally the case?

Answer. It is generally the case where you have a conversation with them upon political matters any way, that they bring the negro upon you—they do with me when I converse with them—and his ignorance, and all those things.

Question. Are the democrats of that county in favor of re-enslaving the negroes?

Answer. I have not heard it since the rebellion. I don't know that I have heard them make that expression that they are in favor of that.

Question. Is there any democratic paper published in your county?

Answer. No, sir; nor of any kind.

Question. What papers are generally taken there by the democrats?

Answer. I really don't know; they take different papers. I reckon they take democratic papers—a democrat does. I know there is none, to my knowledge, at my office. I know of one that takes Figures' paper, that lives out there. I take Figures' paper myself, and I know one democrat that takes it. I generally find some democrat reading my paper there when I go to get it.

Question. Are newspapers, as a general thing, taken and read in that county?

Answer. Yes, sir; they generally take papers, all that want to.

Question. Do the democratic papers of the State, as far as your knowledge extends, give accounts of those outrages committed by men in disguise?

Answer. I don't know. I have not read them no great deal. My eyes have been sore for a long time, so that I can't see more than to read Figures' paper here once a week. I never read of it, and never hear the democrats speak or talk about any outrages committed. I can read of things in my paper, and then go about the neighborhood and not hear them speak about them.

Question. Do you think it is their policy to prevent such news getting abroad?

Answer. It has that bearing. I have thought so, that they would rather that would not be circulated around.

Question. Where men have been whipped, have they not generally been told that if they reported it they would be whipped again?

Answer. Yes, sir, that is frequently the case. When they abuse them they tell them to keep that to themselves, and that if they tell it they will abuse them again.

By Mr BUCKLEY:

Question. From what you know of Blount County, do you think a republican would be safe in publicly advocating his cause in that county?

Answer. It would be pretty much owing to who he was.

By the CHAIRMAN:

Question. What do you mean by that?

Answer. There are a great many men, and different circumstances, you know. If a man was a wealthy man, a property man, with a heap of friends about, he could speak what he thought.

Question. Suppose a republican from an adjoining county, or some other part of the State, a stranger to your county, should go there to make a republican speech, could he do it?

Answer. O, yes; he would be protected by us. I believe he would now. The time has been when I think it would have been very critical for him to do it. I believe he would be permitted now to do so.

By Mr. BUCKLEY:

Question. Have you ever known white men to abstain from voting from fear or intimidation, or to avoid the notice of these Klans?

Answer. I believe I have.

Question. They would keep away from the polls?

Answer. They would keep away from fear of outrage being made on them at some time. They thought the thing would come up and they would have to suffer from it. I think a great many have staid away from the polls on that account.

Question. Are you speaking of republican white men?

Answer. Yes, sir.

Question. You spoke of some men on the grand jury from your part of Blount County. What grand jury?

Answer. The grand jury here at this place.

Question. When?

Answer. In November, 1869.

Question. Were you a member of that grand jury?

Answer. Yes, sir.

Question. Do you know whether any attempt was made to indict those parties committing outrages at that time?

Answer. Yes, sir, there was an attempt made under the civil rights bill, as we thought, under the charge of the judge.

Question. How many indictments were found during that session of the grand jury of which you were a member.

Answer. I really cannot say how many but it was a good many—twenty-five or thirty probably. I expect there were that many bills found.

Question. Was Judge Charlton a foreman of that jury?

Answer. Yes, sir, he was the foreman.

Question. He was since killed, was he not?

Answer. Yes, sir; at Decatur.

Question. You told the committee, I believe, that there were not many Ku-Klux in your portion of the county, the mountain portion?

Answer. Yes, sir. In Morgan County, next to me there are. Between me and Summerville I don't think there is any raiding in there; I don't think there is any in there; I have not heard of it.

Question. Have you, citizens of your part of Blount and of Morgan county, ever taken any steps to prevent raids being made through there?

Answer. Yes, sir; they have an organization made against the Ku-Klux—in opposition to them.

Question. Who composed that?

Answer. Loyal men—men for the Government—what we term Union men.

Question. What did you do?

Answer. I will just state that all through and through, if you will be patient, all of you.

Question. State it in your own way.

Answer. There was an organization of what we call the anti-Ku-Klux. There were Ku-Klux and anti-Ku-Klux. The Ku-Klux run in on Judge Charlton, as I have told you. I think I told you what for, probably, and he came out to my house, knowing I had a good deal of influence, or thinking so, anyway, with the Union boys who belonged to the Federal Army, and all who held that way. He came out there and told me his circumstances and how he was fixed; that these disguises had been on him, and all these things, and had run him off, and were going to kill him, &c., and he suggested the idea to me to organize against them, to get up an organization against them. Well, I put him off; as he had formerly belonged to the rebel side, the other side, the democracy, I didn't know but what he was coming out to play some trick on me. I live in the mountains. He went off. I told him to come back again; that I would study on it. He came back, and we agreed, I and him, that we would get up an organization for our self-defense and all of our sort that would join it, and to protect all good, loyal, peaceable citizens who would behave themselves, &c., against the Klan. We went to work and did so. We had regular meetings in the day-time in Blount County; we organized, &c. I don't remember now how many men we organized. He had a good many organized men over in his county and in mine. We got a considerable organization up, probably a hundred men, in Blount County. Well, he got good men in his. All that time the Ku-Klux was riding; they would send him in notices; the chief Cyclops, &c., would write him letters, and all these things. I suppose his wife has the letters now that he received from them. He read them to me, from the Magi written to him. I saw the letters; they kept outraging and threatening him. They came out on the mountain where I lived, and whipped a man there near me. That is another case I missed. It is within about three miles of me. There they whipped a neighbor of mine. The threat was hung out; the neighbors in favor of the Ku-Klux around there would come and tell me they feared I was in danger and I would have to get farther; they would brag about it, and all these things; that I had had the day long enough; that I had been in the Federal service and come out conqueror, and all these things, and that I had been organizing the Union League, &c., in there, and taking the day, and I would have to get farther. From that I got our organization up, and Judge Charlton came out to my house and suggested to me that we should make a raid on them. There was in Charlton's organization Robert Gardner and his nephew, Polk Mackinear, and Samuel Francis, and, I think, a few more that Charlton organized. He drew them out of the Ku-Klux Klan, a Ku-Klux organization, into his organization, and there they revealed the whole organization to Judge Charlton. Then we knew who were Ku-Klux in Morgan County, and we knew exactly who to go to, from their report. One night we met at the brink of the mountain, about forty of us, I think, mounted, and went to these Ku-Klux fellows, young fellows, and called them out, and if they were not at home, we called their parents out, and told them that they were Ku-Klux and their sons were Ku-Klux, and they had been going over the country harassing the country, whipping and abusing the people, and all these things; and that the quiet, peaceable citizens wanted to live in peace with everybody. I headed the command myself, and did the talking to them myself. I told them I wanted them to quit it, and they had to do it, or if they kept it up and rode any more in that country upon loyal people, or anybody who was good citizens, they would hear from us; we would not bear it; we knew they were going to outrage us, and take the country by storm, and we didn't intend to suffer it. We went down to Summerville, and called out some even in Summerville, twenty-five miles from where I lived, and disbanded and came back home. I think the next Saturday night we went up in the upper region in this direction in Morgan County, and there told some more. A Ku-Klux Cyclops, we called him out and told him that he must stay at home and not war on the people any more, and we must have peace; and if he undertook to carry out his Ku-Kluxing, that he might look for a storm to come on him. By this means we gave them a scare in Morgan County next to me, and the next day they gathered apparently, and signed up a petition to us that they would disband and not go in dis-

guise any more if we would let them alone. We accepted it, and told them we would not interrupt them any more if they would quit. That is all we asked, to let us alone and let everybody else alone; be all bobishelly fellows—that is a kind of by-word—and all get along right. We did so, and there has been no disguising in there since.

By the CHAIRMAN:

Question. About how long ago was this?

Answer. It has been this fall two years ago.

By Mr. BUCKLEY:

Question. The Ku-Klux had been riding through the country then for years?

Answer. Yes, sir.

Question. Was your organization an open one?

Answer. Yes, sir, anybody could know it that wanted to.

Question. You put on no disguises?

Answer. No, sir, no disguises.

Question. You just rode around and notified those people that you wanted peace?

Answer. Yes, sir.

Question. Did you receive a large petition?

Answer. A very large one. Judge Charlton kept it, and I suppose his wife has it yet.

Question. Since then you have had no riding of Ku-Klux in your portion of Blount County or in Morgan?

Answer. No, sir.

Question. It was after this some little time that Judge Charlton was killed?

Answer. Yes, sir; he was killed at Decatur awhile after he was foreman of the United States grand jury at this place.

By Mr. BLAIR:

Question. Who killed Judge Charlton?

Answer. Well, sir, I don't know.

By Mr. BUCKLEY:

Question. Was he killed in the night-time?

Answer. Yes, sir, in the night, going from the railroad depot to Captain Hines's place.

Question. In Decatur?

Answer. Yes, sir.

By Mr. RICE:

Question. Was he a State senator at the time?

Answer. He had formerly been judge of probate. He didn't hold any position at that time.

By Mr. BUCKLEY:

Question. He was a man of considerable distinction in Morgan County, was he not?

Answer. Yes, sir.

Question. A very popular man?

Answer. Yes, sir, a very popular man, and beliked by almost everybody. He was the chief man in the democracy before he quit it, and seemed to be loved by everybody; they seemed to all like him.

Question. Through this whole part of the State?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What is the fact as to negroes having been disarmed through your part of the country?

Answer. They have had their guns and arms taken and broken up; I have noticed some instances of that.

Question. Was that done by these men in disguise?

Answer. Yes, sir, generally by disguisers; altogether, as far as I know; disguisers frequently do that.

Question. Have they been treated fairly, as to their wages, where they have worked for white men?

Answer. Well, as far as I know, they have. I don't know of any colored man in my country over there that is making any property in any way, or gaining much. I would imagine his wages was very short, and his income was very scarce. They generally are apparently prostrated down and impoverished. They generally seem to be so.

By Mr. BUCKLEY:

Question. I understand you to say it was in November, 1869, that you were a member of the grand jury?

Answer. Yes, sir, I think it was in that month.

Question. Judge Charlton was foreman of that grand jury?

Answer. Yes, sir.

Question. Was he quite active in bringing criminals to punishment?

Answer. Yes, sir; quite active.

Question. A large number of witnesses were summoned before that grand jury?

Answer. A great many were.

Question. Was it soon after that grand jury that Judge Charlton was killed?

Answer. Yes, sir; soon afterward; he had gone down from here to Decatur. At night, when he went to leave, I and him had an idea that they would take us behind the bush in that way and assassinate us. I believed they would try to do so. I talked with him, and advised him to go down on the freight train, he and Mr. Gardner, who had been up here as a witness.

Question. This same Mr. Gardner who had left the Ku-Klux and joined the anti-Ku-Klux organization?

Answer. Yes, sir; he was here as a witness, and was going down to Decatur with the judge. I went and begged him not to go down on the regular train, but to go down on the freight train. I believed that was a bad place, and if they had any idea of assassinating him, that would be the place they would do it. He did it; he went down on the freight train, and went on home. The reason I believed something was up was, Mr. Wells, who had formerly had a difficulty with Mr. Gardner, at Decatur, and shot him, had tried to shoot Mr. Gardner as he came on up here. We rather drew the idea that they were making preparations down there for assassination or something else, and I advised them to go down on the freight train, and they went down on it.

Question. Did the freight train arrive at Decatur in the day or night time?

Answer. In the night-time; he took that to screen him from what he thought might arise; that if they were looking for him to assassinate him, they would not look upon that train for him.

Question. How long after that time was it that the judge was killed?

Answer. Then he went home, maybe three or four weeks, and he went to Louisville, to lay in some goods, and as he came down on the regular train he was assassinated.

By the CHAIRMAN:

Question. Was it generally supposed that he was assassinated by the Ku-Klux?

Answer. Yes, sir; by that party, the Ku-Klux party; that is supposed.

HUNTSVILLE, ALABAMA, October 11, 1871.

NICHOLAS DAVIS sworn and examined.

The CHAIRMAN. As this witness was summoned at the instance of the minority, General Blair may proceed with Mr. Davis's examination.

By Mr. BLAIR:

Question. Will you please tell the committee how long you have lived here, and the profession you follow?

Answer. I was born in this State, in Limestone County; I have lived here for forty-five years.

Question. What profession have you followed?

Answer. I am a lawyer, sir.

Question. Have you practiced law in and around the neighborhood of this city for any length of time?

Answer. For the last fifteen years.

Question. State, if you please, Mr. Davis, what are your political relations.

Answer. My first political relations were those of a whig; in 1854 I was a Henry Clay whig.

Question. I speak more in reference to the present attitude of affairs, Mr. Davis.

Answer. In 1851 I was a whig; in 1861 I was a Douglas man, opposed to secession. I wish you gentlemen would direct your questions so that it would make it all appear.

Question. Well, sir, I will be very glad to have you state, generally, what parties you have affiliated with, and what party you now affiliate with.

Answer. I have always been associated with the republican party.

Question. Since the war?

Answer. Yes, sir; since the war.

Question. You are in favor of the reconstruction policy of the Government?

Answer. Yes, sir; I have been in favor of the reconstruction policy of the Government from the time of Lee and Johnson's surrender up to the present time.

Question. Well, sir, this committee, as you know, is charged with the duty of inquir-

ing into the condition of the country at present, and I wish you to state to the committee, as briefly as possible, what you consider the present condition of affairs in this part of the State.

Answer. At present, I can only state it, to state it fairly, by stating what it has been.

Question. Well, sir, take your own method of statement.

Answer. In 1868, I think that the condition of this country was exceedingly wrong, and there was an organization here that was called the Ku-Klux organization; that was, in my opinion, a very bad organization. Since then, I think, public sentiment has tried to correct itself, and now, that it is all right; they are trying their very best to establish law and order in this community. That has been wrought by the legislation of Congress, and by several other things that you gentlemen must examine me hereafter about. In 1868, there was a Ku-Klux organization in the State of Alabama, a wrong—you will allow me to express my opinion—a wrong and a very bad organization, provoked, though, by something, which, I suppose, will be afterward brought out—a very bad organization, but it corrected itself. Its very outrages corrected it. Since then—since 1868—traveling along until 1869, they have changed their minds, and what you call the democratic party—which means the white people of this country—the white people of this country have determined to put that down, to establish law and order, and, at the present time, I don't think that any man would be safe in any part of North Alabama in daring to put on the vile Ku-Klux organization or its image. That is what I think, and what I say, and what I know to be the truth.

Question. You say, that although this organization was a very improper one, it was provoked by the action or conduct of other parties. In what consisted that provocation, Mr. Davis?

Answer. I think it was provoked—while I will not say that the provocation was adequate—at the same time I think it was provoked; there were secret meetings held, by what was called the Loyal League—a parcel of negroes and a parcel of men that came here from the North; not gentlemen; uneducated, low-flung, and mean men, that prompted them, that went into secret organizations with them; they provoked it in part; but they did more than that, they provoked it publicly. It is impossible for any man, now recurring to two years ago, to go further than to say this. Sir, the officer that is below you here took a carpet-bag—we had a way of saying about these fellows that oppressed us that they were “carpet-baggers;” it has got to be a name that is national, it is national—he went once here, right in front of this whole community, and put a carpet-bag between his legs—the present probate judge that sits, Mr. Senator Pratt, that sits beneath us now—put a carpet-bag between his legs, and held it in front before the whole community. That was a provocation. I don't say it authorized what they did, because they did act outrageous, but the other side acted outrageous too. That is what he did, the present probate judge.

Question. Under what circumstances did he do that?

Answer. There was a man named Fury, an editor of a paper in Cincinnati, came here to make a speech, and made a speech in this court-room, and as a matter of course somebody had to reply to him. Judge Tate and myself were the men asked to reply to him. We went to reply to him, and the present probate judge of this county took a carpet-bag and went and stuck it right in the face of the whole community, right between his legs, and held it there—an insignia of an insult to the whole community, and it took everything we could do to keep the community from getting after him. That was a provocation. I don't propose to justify the Ku-Klux. I think it was an outrageous, foolish, miserable, and fool organization, but it has played out.

Question. Was the probate judge himself a carpet-bagger?

Answer. Yes, sir; and he sits right beneath you now.

Question. Do you suppose that his action was intended, sitting with that carpet-bag in front of the assembled people, to insult them?

Answer. I would rather prefer that the probate judge himself, being so close to you himself, might answer that question. He was not traveling anywhere; he was not going anywhere; he took his carpet-bag and set it between his legs, and defied the public sentiment of this community in 1868. While I want you to put down that carefully, certainly that don't justify no Ku-Klux organization. I think that was an outrageous, illegal, vile, and murderous organization. It has done played out and gone, which everybody knows that has got any sense.

Question. Mr. Davis, how did this Judge Douglass become probate judge here?

Answer. By the legislation of Congress; by the legislation of Congress. You understand, you members of Congress, that we were told that we must either vote or keep away from the polls, and we kept away from the polls, which I think was a very indiscreet and a very improper thing; very improper. But it was done by Lewis E. Parsons; he was the man that did that. We kept away from the polls. There would never have been any such men elected but for that. While I tell you that the present probate judge has done his duty as an officer since then—he has gone all through this county; through its nooks and corners, and everything else—that carpet-bagger has

done, tried to do, his duty; and as an honest man, and a southern man, I am bound to say that.

Question. You say he was not elected by the people of the county?

Answer. No, sir; he was imposed upon us by Congress, and then we hate him simply on that account; but because the fellow has done his duty since, we sort 'o like him because he is a better officer than we had before, even if he is a miserable stinking carpet-bagger, which we despise.

Question. That does not give him any privilege though to insult the community?

Answer. He admits himself that he did take the carpet-bag and set it in front of the democratic—no, sir, not a democratic, for democratic means the white people of this country—but he did do that, and the inference ought to be drawn from asking the probate judge; from asking the probate judge. He did take a carpet-bag and sit there, while he knew that these men were being denounced for an imposition of that sort. He did do it, and he pointed out but yesterday the place that he sat it; and even if the fellow has acted honestly afterward, (we must not do him the injustice to say he has been dishonest;) but he did that. I deny him everything in the world except the mere fact of personal courage; that was a brave, infamous, insulting, outrageous thing; outrageous; it was outrageous.

Question. Do you know a man by the name of Shapard, from Blount County?

Answer. I do.

Question. What is his character?

Answer. Very bad.

Question. In what respect?

Answer. In every respect.

Question. Is he a truthful man?

Answer. I wouldn't believe him on oath.

Question. Do you know him well?

Answer. No, sir, not very well: know he procures money upon false pretenses.

Question. Do you know any fact as to that?

Answer. I do.

Question. State what you know about that.

Answer. I know that upon one occasion, here in the town of Huntsville, that he represented to General Burke that Colonel Davis owed him some money which Colonel Davis didn't owe him, founded upon the mere fact that I had told him I was going down in the country, and he procured the five dollars from him upon an utter and complete false pretense; that he is utterly unworthy of belief in any sort of respect, and in no way to be trusted by anybody that is a gentleman, and I will swear to that. I left him out at the door just now.

Question. I asked him the question this morning, and he stated here that that money was given to him by Colonel Burke, or loaned to him by Burke, in consideration of services rendered in the political canvass in aid of Colonel Burke's election.

Answer. My answer to that is that he lied. He is in town in reach of this court, and brought into my presence he will not say but what he has lied. I wish that taken down just exactly as it is stated. He lied when he said it. Colonel Burke owed him not a cent.

Question. Was he under indictment in the county court of Blount for horse-stealing?

Answer. I really, sir, don't know anything about that. I understood by mere report that he was.

Question. Did he not make an affidavit there in support of an application for the continuance of some case, alleging that you were his counsel, in your absence?

Answer. I only understood that from Colonel Lowe, who is a brother-in-law of mine—the solicitor, that he did—that he alleged that I was his counsel, which was an untruth. He is utterly unworthy of belief upon any ground. He will admit that he procured that money, if brought here in my presence before this committee; I just now left him; that he is utterly unworthy of belief, utterly unworthy of belief with anybody about anything; a miserable, mean wretch.

Question. How long have you known him?

Answer. Well, sir, I think as his first acquaintance was his introduction—really, he claimed acquaintance with me long before I knew him; but I will state it perfectly accurate—maybe I may have known him ten or fifteen years, but I only knew him when he put that thing on Burke; when he procured money under false pretenses, here in this town.

Question. He represented in his testimony here this morning that you introduced him to Burke.

Answer. He is a liar; I did not.

Question. And that you recommended Burke to assist him.

Answer. He is a liar. I wish my language to be taken down exactly as I state it. He is a liar. I never either introduced him to Burke, nor had anything to do with him. He is a miserable wretch.

Question. Has there been any such thing as Ku-Klux, Mr. Davis, in this county, in the past two years?

The WITNESS. Does this man take down everything we say? Hold on! don't take down what I say now.

Mr BLAIR: He takes down everything that is said.

The WITNESS: Well.

Question. In the last two years has there been anything here like Ku-Klux?

Answer. Well, now, there have been men who imitated the Ku-Klux.

Question. For what purpose?

Answer. To rob and thieve, without any politics in it—rob and thieve. Since 1868, there have been no Ku-Klux in Madison County. I really think that it had its origin in Tennessee; that it came here, and that they organized—now, to make a fair statement—that they organized here, and that even respectable men had something to do with it. Soon after they found out that that thing would not do—that it would not do—and they turned their faces against it; and now I say that the white people of the State of Alabama—not meaning to designate the democratic party, but all of them—that the white people of the State of Alabama are opposed to the Ku-Klux; that they would kill them; that no man could ride through this town to-night; not even one of this committee, if he dared to put on the base Ku-Klux disguise, and dared to put on that white shirt, could mount his horse and ride through here with safety, because you would be killed. In Limestone you would be certain to be killed. The public sentiment of this county is against it; is against it.

Question. Do you practice law, Mr. Davis, in the mountain counties?

Answer. Yes, sir; nowhere else.

Question. Do you practice over in Blount County?

Answer. No, sir; but in Limestone and in Madison. Unfortunate old Limestone, that has been involved in a heap of it—of all the devilment that could be done. She has; but then this is so. She turns one way and the other; sometimes was Ku-Klux; it might have been popular there in 1868. Now I want this man to take my testimony down. While I was born and raised there, I would be afraid to put a hat on my head that was not a, generally speaking, understood hat, and dare to pull my shirt out and walk one foot in the county I was born and raised in, where everybody loves me, nigger and white, because they would kill me like I was a mad dog. They despise the idea of a Ku-Klux. They have turned, and that is right they should have turned. I wish to say particularly about old Limestone, because I was born there. I say this, that I think it would be the most dangerous matter, and be in a county tested by these very things which did most wrong, for Limestone did wrong; she had the Ku-Klux there in 1868; she has not got them now, and arming herself she will go too far. Instead of simply supporting the Federal officers, she will go too far. No man can dare to put on a disguise in Limestone County, because these people are right and intend to do what is right, and no man would be safe to pull his shirt out of his breeches and walk twenty steps in Limestone County. That is the truth, Senator Pratt.

Question. What was the origin of the Ku-Klux?

Answer. The origin of it was this: they had this here Loyal League, and went around of nights and made speeches against southern people; such men as Lakin and Callis, and that concern; and then they proposed to get up something, and this fellow Jones, up at Pulaski, got up a piece of Greek and originated it, and then General Forrest took hold of it, and got hold of a piece of nonsense, and it was outrageous from beginning to end. All secret societies are outrageous.

Question. Was the Union League a political association?

Answer. Yes, it was; and they forbade me to speak here on this street. That would provoke it. They forbid me to speak right in front of this court-house. When I asked them—being a republican—to allow me the liberty to speak, they refused to do it. They refused Joe Bradley the privilege to speak, and then they provoked it afterward by this. This man down here that is our probate judge, whom we tolerate—we tolerate him—we don't intend to elect him next time—it is not worth while to testify to that, because we don't intend to do it. I don't care how well he does—the fellow does do pretty well—but he took a carpet-bag between his legs in a public meeting in this court-house, before the white people of this county, and held up the insignia of tyranny before the people. I counseled the people, "Do not pay any attention to him; they will represent it in Congress that we are all trying to kill all these folks; the fellow has nothing in the world but mere courage; he is just making an investment of his life upon that sort of thing." Here he is, right below you here.

Question. Did you know Lakin?

Answer. Yes, sir.

Question. What was his character?

Answer. Mr. Lakin is a near neighbor of mine. I believe that Mr. Lakin was sent here by some religious society. You see I know him pretty well. You know he is a near neighbor of mine, and I am intimate with him.

Question. Let us hear what you know about him.

Answer. He came here for the purpose, it seemed by his preaching, to make converts to his own Church, but the real truth about it was, Mr. Lakin wanted to get some office, and the first thing I knew, after he came here, he was candidate for United States Senator; and then I said—to myself, you know—I didn't say to Lakin, but to myself—"You are just one of that sort of trash." The fact about his being a candidate for United States Senator is proven by Colonel Davis now stating that he published a card in the Montgomery papers in which he corrected a rumor which, it seemed, somebody set afloat. You see he was not likely to be elected. Somebody had circulated the report that he had withdrawn, and he published a card, in which he stated that "this man that circulated that rumor that I am not likely to be elected, or whoever done that, has done me injustice; I am still in the field a candidate for United States Senator." Set that down.

Question. That was at the time Messrs. Warner and Spencer were elected?

Answer. That was the time. Mr. Buckley, don't you know that to be the fact?

MR. BUCKLEY. You are on the stand now.

THE WITNESS. But I ask you, don't you know that to be true that he was?

By MR. BLAIR:

Question. Did you ever hear him make a political speech?

Answer. I have.

Question. What was the character of the speech?

Answer. The character of the speech was this: to teach the negroes that every man that was born and raised in the southern country was their enemy; that there was no use in trusting them, no matter what they said—if they said they were for the Union or anything else. "No use in talking, they are your enemies." And he made a pretty good speech too; awful; a hell of a one.

Question. Was it an inflammatory speech?

Answer. Inflammatory and game, too; it was that; it was enough to provoke the devil. It was enough to provoke the devil. I heard him make the speech.

Question. Where did he make it?

Answer. Right here in this town.

Question. Who were his auditors?

Answer. There were about four hundred negroes present; A. W. Smith, and several other men here in town. I heard him make the speech. All the mischief he could intend, all that he could do mischievous, Mr. Lakin made in that speech. He piled it all on.

Question. He testified before this committee at Washington, and, among other statements, said he had never taken any part in politics.

Answer. I am very sorry to have to contradict him, but if he said that he told a lie. He told a lie, and, Senator Pratt, I wish you would make a special note of that; he told a lie. I heard him make a speech; he was trying to beat everything in the whole community, and done left his religion, which he has not got a bit of; that is the truth about it. He has not got a bit of it. He is an old ruffian. But this—I wish you to take a special note of that, that it is a lie, if he ever said that, and he wouldn't come face to face with me, and say he didn't make that speech. He was a candidate for United States Senator. Was not that politics? It is not unyankee to answer one question by asking another, and I will ask you that, Senator Pratt?

THE CHAIRMAN. I am not sitting here to make responses to questions.

THE WITNESS. Besides, was not he trying to make himself president of the Alabama University, and didn't he afterward run for superintendent of education? Didn't he electioneer with me, the old heathen Chinese? He ought to be run out of this community; that is the fact. But then this—you must excuse me, sir; I believe you to be an honest man. I tell you that old fellow is a hell of an old rascal.

By MR. BLAIR:

Question. Did you ever hear him speak on any other occasion than the one you have referred to?

Answer. No, sir. If I did, I didn't listen to him. He called on me once to explain why I said—that is the only other time I heard him speak—he called on me to explain why I said unkind things about his being candidate for president of the Alabama University, and I said, "Mr. Lakin, you and I are near neighbors, and I don't want to have much to do with you—not much; but I think this: didn't you try to be president of the Alabama University?" He said he did. I said, "It would have been a disgrace to the State. You don't know an adjective from an adverb, nor nothing else." I said, "Look here; let me alone." But he says, "You dwelt upon me rather too hard." I said, "Do you propose to bully me—you a preacher, and attempt to bully me on the streets?" He says, "No, but I rather didn't like what you said." I said, "Doctor, you will have to like it, or let it alone." He let it alone.

Question. Mr. Lakin, in his testimony, stated that there was an attempt to assassinate him; that some one fired a gun into his window.

Answer. I honestly believe that was a parcel of boys here in town. I think that

their mothers ought to have whipped them; whipped them. Nobody wanted to kill him. He has lived there in a naked, exposed place for years, that nobody disturbs; nobody wanted to kill him. If I wanted to kill him or put anybody up to kill him—if you just walk down there and see where he lives, you will see how easy it is for anybody to knock him in the head. Nobody wants to kill him. He is a humbug; a liar and a slanderer; that's what he is, and he ain't nothing else.

Question. What was his character among the people of this section of the country?

Answer. I don't know what his character was before he came here.

Question. What character did he have among the people here?

Answer. He had the character of being a carpet-bagger. That is enough to damn anybody.

Question. State more fully in regard to his character.

Answer. That's all. He just had the character of being a carpet-bagger; he came here hunting office out of the Federal Government, and fooled Uncle Sam, and humbugged him to make Uncle Sam pay him—lie on we southern people, and get pay for it. That is all the character he ever had here. We don't know nothing about his other character.

By the CHAIRMAN:

Question. I will ask you to state how you know when the Ku-Klux organization ceased to exist.

Answer. I only know by the fact of a public sentiment indicating the fact that the Ku-Klux organization had desisted.

Question. When did it cease to exist?

Answer. It would be impossible for me to point out the date, but I think, as near as I can tell you as a mere matter of opinion, that it ceased—that is, the men who were really Ku-Klux—in 1869, about the middle of the year. It seemed to me that public sentiment changed, changed, and then the Ku-Klux organization desisted afterward, because of the fact that public sentiment changed.

Question. From your best information, how strong had that order been in Madison County before this dissolution took place?

Answer. You mean in 1868?

Question. Yes, sir.

Answer. Well, I think, sir, that in 1868 it was a strong organization; that it included in its organization probably eight or nine hundred men, who would do effective service in the field. I answer your question, Senator Pratt, fairly.

Question. During its existence, do you know or have you any information of any whippings, murders, or other outrages being committed by or under the auspices of this organization?

Answer. Well, now, you expect me as a republican to answer your question with perfect fairness?

Question. I expect you to answer it truthfully, without any reference to your party affiliations. I know nothing of them, except what you have stated here to-day.

Answer. I believe—the only thing that I know—I believe this: I believe that the Ku-Klux that we saw in the town of Huntsville that night of that riot, didn't fire a gun—not one single gun; but I believe, sir, that those that fired the guns that were fired here, no matter who commenced the shooting, that they were these Ku-Klux. I believe that. That is the only outrage I know, except one afterward upon my own place, and in my own presence.

Question. What was the nature of that?

Answer. You had better take one at a time. Now let me state what I know about the Ku-Klux organization here.

By Mr. BLAIR:

Question. The riot?

Answer. The riot. In the first place, I distinctly state that I believe there was a Ku-Klux organization in 1868; that they came here to the town of Huntsville that night; that there was a speaking and meeting here. I myself belonged to and was in the meeting. I went away accidentally, because Mr. Haughey was making a speech abusing our own people, and I wouldn't stay here and listen to any such chat as that, and went away; and just as I got in bed I heard the firing up in town, but didn't see any Ku-Klux then; but I believe there was a band—an organized band—of Ku-Klux here, in 1868, of men who in part thought it was necessary to protect our wives and children against outrage, who had formed themselves into an organization detestable and outrageous, detestable and outrageous, and that they were here in town that night. I believe, from what I have heard, that they didn't fire a gun, but that they had agents and men upon the street, who mingled in the affray, excited by the fact that these men were here, got into a row, and nobody knows who commenced shooting; I certainly do not, and nobody else knows who commenced it. But there was commenced a shooting, but I believe that the men who were undisguised and did the shooting belonged to the Ku-Klux. I believe that. I believe that Mr. Cox, who himself was shot through the head by a Mr.

Roper, a negro, without any sort of cause, that Mr. Cox was a Ku-Klux, and that Roper shot him without the slightest particle of cause; that Cox was a Ku-Klux, and that Roper was a fool.

Question. How do you know that Roper shot Cox?

Answer. I believe it; I only said I believed it. I believe that Roper himself would admit that he did do it.

Question. He swore, day before yesterday, that he did not do it.

Answer. No matter what Roper swore; there is no use in trying to believe him. I have been Roper's counsel; I understand that perfectly well. I believe that Roper shot Cox, and that it was done simply that the fact of the presence of the Ku-Klux was the cause of the difficulty, the cause of the outrage. I believe that afterward the public sentiment of this community condemned that act; that it condemned it then. I believe that Judge Thurlow was shot by accident of somebody; no one knows who. I was his counsel in a civil case, and his friend, his friend; and when the next night or the night afterward, when in the extreme of death, I heard the declarations of these men, who said that this was Ku-Klux murder, and that nobody here in this community would even dare to pray for a carpet-bagger that was shot—I say that I told them that that was not so, and it was either the present United States marshal, Mr. McDaniel, or somebody else. I don't want you to put down these gentlemen's names, because I am not accurate about that, but somebody said that. Dr. Cantwell—the doctor was present attending upon Thurlow—and I went and stood by his side, and told him, "You are mistaken; no one can account for these outrages; we can't control these outrages—men that do these things." And I tried to sympathize with him, doing everything I could. The man was killed. As I went back in the room they said, "Yes, that is all a piece of hypocrisy." Says I, "In what respect is that hypocrisy?" Says he, "There is not a preacher in this town that would pray for him, even in the extreme of death." Says I, "That is false; that is a lie." Says he, "We will give you a United States guard to go and get any preacher that will try to get here to pray for him." Says I, "I don't want any guard; so far as I am concerned, I can go without a guard." "But the preacher might be afraid, and might make that excuse." "Then send your guard." In an instant two United States soldiers presented themselves, and said, "We will go with you." I went to Dr. Ross's house; it was about half after 10 o'clock or 12. I rung the bell. I don't know whether the old man was asleep or not, but I woke him up and told him: "They say that on account of the prejudices against northern men, no man here in this community would pray for a dying man." Says I, "Doctor, get up, and let's go and give a denial to that." He got up and put on his hat, and went around there without ever saying a word, and kneeled down beside Judge Thurlow and prayed for him for a half hour, in the presence of these men that slandered our own people.

By the CHAIRMAN:

Question. I would prefer, Mr. Davis, that you would answer my questions. I do not care about going into so many minute details.

Answer. Very well, sir.

Question. I will ask you to state what other cases of outrage you know of, as having been committed by the Ku-Klux order.

Answer. I know that the whole Ku-Klux order, as far as it was an order at all, that there was nothing that they did that was right; that it was an outrage itself. Here at this bar, that man Smith was tried upon a charge of killing somebody, you know, in his own house. He was an old man, and lived in my neighborhood, and I don't believe to this day that he was guilty; but he was arraigned here, and a jury empaneled, and some one put there, and democratic lawyers and a democratic judge all defended him, and then this Smith was acquitted, and he went home at night, and, by God, they told me the Ku-Klux—and I have no doubt of it—took him out and hung him up on the top of a limb. The next night they hung him. That was an outrage; it was shameful; it was worse than any Loyal League men ever could have done.

Question. Do any other instances occur to you?

Answer. Of whipping?

Question. Whipping or killing.

Answer. Well, sir, I really don't know. I know this: they whipped and shot at that fellow down here in the south part of this county. I know that they did that. Senator Pratt, the fact about the business is, the Ku-Klux is played out in this country. Take down what I say. They once existed here.

Question. I want to know how you know that they have played out.

Answer. Because of this fact: that public sentiment in this country is against any such thing as that. They once were with it—sympathized with it in 1863.

Question. Do you mean to say that since the summer of 1869 there have been no bands of disguised men in Madison County, who have committed any outrages upon people's persons?

Answer. I do mean to say—I mean to say this: that there has been, since 1869,

no band of disguised men authorized by what was the original Ku-Klux. There was an original Ku-Klux band. I told you that at the start.

Question. I want to know how you know they were not authorized by this Ku-Klux Klan.

Answer. Because of this fact: I saw the men that I believed belonged to it taking sides against them.

Question. That is your only reason?

Answer. There is a better reason. I believe the men who employed me to prosecute the Ku-Klux in this court-house were themselves Ku-Klux before. I believe that Captain Clarke, and Steptoe Pickett, and Mr. Blackwell were themselves Ku-Klux originally; but they employed me to prosecute these professed Ku-Klux, who were nothing in the world but mere robbers, and thieves, and scoundrels.

Question. There are such bands, then, existing in this county?

Answer. They are not bands; they are only three or four men together.

Question. Does not that constitute a band?

Answer. They don't constitute a band. A band is what the Ku-Klux was—a hundred and fifty men marching to the order of turn this way and that. There was such, but they are not. They don't exist. Now let me tell you something about the history of that case; and will you excuse me, sir—

Question. I wish you would be as brief as possible, because there are several other matters upon which I wish to examine you.

Answer. These men went in disguise to that man—a negro—and whipped him for some cause, and Mr. Blackwell told them that “Ku-Klux is done played out; we are against them; we don't want to have anything more to do with it.” They said, “We will whip you anyhow—whip this negro anyhow.” They came here to town and employed me. I want to show you how that thing ran through, to show you the radical change in the public sentiment, and as soon as you are convinced of it, you will say so; I honestly believe you will. “Why,” says he, “you tell me that this man has done thus and so, and you are not going to allow us to do that?” Blackwell told them, “I don't want you to whip any negro upon my premises any more, and all your Ku-Klux is played out.” “All right,” said he, and he went and whipped him, and Blackwell came here and employed me, and I prosecuted them. They paid me a fee; I prosecuted them before this probate judge. I prosecuted them before this present probate judge; bound them over to court; democrats, you know, were doing the prosecuting then. That has been six months ago. Democrats were doing that—prosecuted them good—and then convicted them and they went out on the streets, and what do you think? They went and got certain men to give bond that were not worth a cent that a radical sheriff, that is, Mr. Doyle—you can just hollo for him and bring him up here now, and he will say that he took a bond that he knew was not right; he was afraid of the robbers, and you might be afraid of robbers, going walking about this county; they will steal your pocket-book.

Question. Is that Ku-Klux?

Answer. I prosecuted them and convicted them; convicted them, sir, and, sir, when they were discharged that evening by the sheriff, I went and asked the probate judge, “By what right did the sheriff discharge them, when you told him not to do it?” Said he, “He had no right to do it.” “Then,” said I, “it is a contempt of court, and I move that the court fine the sheriff for contempt of court, for allowing them to get off in that sort of a way.” He said he would do that. “Now,” says I, “I will make an affidavit that the sheriff himself has contrived, that a radical sheriff has contrived, to let these robbers off,” and I brought the whole of them up, and I will tell you what was the result of it. The judge himself, who sits below you, Mr. Pratt, the judge himself says, “They have been guilty of a contempt, but I am not going to fine them for it.” “Why not?” says I. “Bind over the sheriff in a bond of forty-five hundred dollars,” and when the court met, I moved the court before a republican judge, “Don't you let that man appoint that grand jury, because he will pack the jury and get himself off.” Think you, that, in spite of my motion, he didn't just disregard the whole of it. O, Senator Pratt, let me tell you something; the calm, intelligent, honest, truthful part of this community are against the Ku-Klux.

Question. Very well; now I wish to ask a question. You are familiar with the act of the legislature of Alabama, approved December 26, 1868, entitled “An act for the suppression of secret organizations of men disguising themselves for the purposes of committing crimes and outrages.” You have read that law?

Answer. Yes, sir.

Question. I wish to read to you the preamble of that law, and ask you whether the state of things contained in this preamble was true at the time this law was passed.

Answer. You must read the date.

Question. The date is December 26, 1868. Now, I will read the preamble:

“Whereas there is in possession of this general assembly ample and undoubted evidence of the secret organization, in various parts of this State, of men who, under the cover of masks and other grotesque disguises, armed with knives, revolvers, and other

deadly weapons, do issue from the places of their rendezvous, in bands of greater or less number, on foot or mounted on horses, in like manner disguised, generally in the late hours of the night, who commit violence and outrages upon peaceable and law-abiding citizens, robbing and murdering them upon the highway, and entering their houses, tearing them from their homes and the embraces of their families, and, with violent threats and insults, inflicting on them the most cruel and inhuman treatment; and whereas this organization has become a wide-spread and alarming evil in this commonwealth, disturbing the public peace, ruining the happiness and prosperity of the people, and in many cases overriding the civil authorities, defying all law and justice, or evading detection by the darkness of the night, and with their hideous costumes; therefore,

“Section first, Be it enacted,” &c.

Do you believe that the state of things therein recited existed in the State of Alabama at that time?

Answer. I will tell you; that calls upon a man to believe a great deal about that. I will tell you one thing, I never paid much attention to any law enacted by any such authority as that was.

Question. I am not asking for your opinion of the law, but simply of the truth or untruth of the recitals in that preamble?

Answer. I believe that there was, in 1863, a Ku-Klux organization in the State of Alabama, and in Madison County, but I prefer that my testimony should be restricted to things I know of. I believe that. I believe that now it is more unsafe for a man to be a Ku-Klux here than it would be in New York. I believe it would be much more safe for a man to put on a disguise in the city of New York, or where you live, Senator Pratt.

Question. You have told us that several times, and I do not ask to have it repeated oftener. I wish to ask whether you saw published in the papers, some time in 1869, what purported to be an order emanating from the Cyclops of that organization, disbanding it.

Answer. I did not.

Question. Did you ever hear of such an order?

Answer. I did not.

Question. Were you a constant reader of the newspapers?

Answer. I can't say that I am; but I saw no such order.

Question. And you have never heard of such an order?

Answer. No, sir; not until you mentioned it.

Question. Did you hear of such an order in 1869?

Answer. I never heard of it until you mentioned it. I believe—I wish my statement to be taken down—I believe that, in 1863, there was an organization known as the Ku-Klux. I believe now that, because of the revolution created in public sentiment by its own wrongs, (no matter by what reason provoked,) that it is more unsafe for a man to be a Ku-Klux here than it would be where Senator Pratt lives.

Question. Are carpet-baggers liked in this community any better than in 1863?

Answer. Yes, sir; and for the purpose of giving a reason to show it, the present carpet-bagger who sits beneath you in this probate court-office can walk, and does walk, through this whole community; he goes through its buildings, its bridges, attending to his business, not only without being hurt, but without the fear of being hurt, and I do this in order to show that I am telling the truth. It is mighty easy, you know, when men are sitting in a court-house like this, just to bring the officer up stairs. He will say so himself.

Question. Did I understand you to say that you are in favor of the reconstruction measures passed by Congress?

Answer. In favor of them?

Question. Yes, sir.

Answer. In favor of them? I accept them. I don't think that that is a political—I accept them; and, sir, I say this, that, belonging to the Southern States, and to the State of Alabama, and being allowed afterward to state my own record, I accept them, because it is the best that the subjected people of the State of Alabama can do. But as for the favor part of it, I don't propose to allow you to put such language as that in my mouth.

Question. I am asking you a question, and have asked whether you are in favor of the reconstruction measures of Congress.

Answer. I am in favor of accepting them.

Question. Is that your only answer?

Answer. I am in favor of accepting them, but I will not deal dishonestly. A man might be in favor of accepting something, but might be not abstractly in favor of the thing itself.

Question. Are you in favor of getting rid of them?

Answer. No, sir; I am in favor of accepting them, and standing by them in perfect good faith. I would go against anybody that would go against them.

Question. Are you in favor of perpetual negro suffrage in the State of Alabama?

Answer. I am, I am.

Question. Did you vote with the republican party at the fall election of 1868, for its candidates?

Answer. Who were the candidates?

Question. I suppose you know; that was the year of the presidential election.

Answer. I supposed, as you asked the question, you would tell me. I voted for General Grant.

Question. Did you have any county ticket, or district ticket?

Answer. I have no county ticket myself; other people might. I voted for General Grant, against General Blair. Now, to state it—to come up to the scratch, because there is no use in dodging it—I voted simply against Seymour and Blair, because I thought they occupied the wrong ground; but now, thinking that they did not, I might vote very much the other way.

Question. You mean that you would vote differently now?

Answer. That is a question I have got a right to decide. You have no right to ask me anything in the future. I will answer that that is in the past. I would have voted for Chase.

Question. Did you vote with the republican party and for its candidates last fall?

Answer. Who were the candidates?

Question. Did you vote for them in the election in the fall of 1870?

Answer. Who were the candidates?

Question. I suppose you know, as a well-informed man, better than I do.

Mr. BLAIR. Lindsay and Smith.

The WITNESS. Lindsay and Smith and Judge Dox. You are talking about the State ticket.

By the CHAIRMAN:

Question. I am talking about both tickets.

Answer. Well, designate which you want me to answer.

Question. How did you vote on your State ticket?

Answer. Well, sir, I voted for Governor Smith; what do you think of that?

Question. Did you vote for the republican candidates for the county offices?

Answer. I did not. I demand of my representative here [to Mr. Buckley] if there is any man in Alabama to ask me why I did not do it. I voted for Governor Smith, and he made me answer that. Now I demand that you ask me why I didn't vote—but [to Mr. Blair] you will do it. All right; go ahead.

By the CHAIRMAN:

Question. Did you vote for a republican or a democratic candidate for Congress in the election in the fall of 1870?

Answer. In the former one I voted for a republican; in the latter one I voted for Judge Dox.

Question. He was the democratic candidate, was he not?

Answer. I don't know that you could consider him exactly the democratic candidate. He was a candidate.

Question. Was he not nominated by the democratic party?

Answer. I don't know whether he was or not.

Question. Who was the democratic candidate, then?

Answer. Dox; and I certainly voted for Dox.

Question. How, then, do you say, as you commenced by saying in your examination-in-chief, that you have always been associated with the republican party since the war?

Answer. Because I started the republican party in the State of Alabama, and have kept it up, and am the only representative of its decency that is here yet.

Question. But I understood you to say that you had always been associated with it since the war?

Answer. I have been.

Question. Are you now associated with it?

Answer. I don't know with what other party I am.

Question. Are you in the confidence of the republican party at this time?

Answer. The mean set I am not. Those that are decent and respectable people I believe that I am.

Question. Do you support the policy of the republican party in this State at this time?

Answer. I do; that is, I support this: I support what I think the republican party has accomplished—the great, magnificent, kind-hearted, amiable, and fanatical party—I support that. I think it is an accomplished fact what they did, and I will not support anybody or any influence opposed to it. I support that and sustain it, but I don't sustain or support any mean, low-flung organization.

Question. What do you mean by that; what do you refer to?

Answer. I refer to the political organization of the republican party in the State of Alabama.

Question. You mean that you do not support that —

Answer. I mean that I believe that is as near a concern as ever was on the face of this earth.

Question. I just wanted to get at your political status.

Answer. Certainly, sir; you can get at it.

Question. You have spoken of Mr. Shapard, a witness who was examined this morning?

Answer. Yes, sir.

Question. Have you ever been in that part of Blount County in which Mr. Shapard lives?

Answer. I suppose I have.

Question. Do you know where he lives?

Answer. I really do not.

Question. Are you acquainted with his neighbors?

Answer. I am not.

Question. Have you heard his neighbors speak of him as to his character for truth and veracity?

Answer. Well, look here, I want you to put that down, I am sort o' Quaker-raised, and stick to the truth. I know nothing in the world about Shapard, except what I know about him here—about his record here in this town.

Question. Then you do not know anything about his general character in the community where he lives?

Answer. As far as I do, I do know something about his testimony.

Question. That is not the question. I ask as to his general character.

Answer. Then I do know his general character.

Question. Do you know his general character in the community where he lives?

Answer. I know his general character in the country where he lives.

Question. I ask you as to the community where he lives—the immediate neighborhood.

Answer. If you pin it down to Blount County, I do not; I know his general character in the country—in Alabama.

Question. Then you do not know his general character in Blount County?

Answer. Well, Blount County gives it to the whole of North Alabama. I know it there. If you ask a legal question, I can answer. I do not know his local character around within two miles of his house. I do know his general character in North Alabama. Go on with your questions.

Question. I understand you to say distinctly that you do not know his character in the neighborhood where he resides?

Answer. I distinctly answer you I never made any such answer, and I do know his general character.

Question. Then I repeat the question, and request a direct answer. Do you know his character for morality or for truth and veracity in the neighborhood where he lives?

Answer. What do you mean by neighborhood?

Question. A circle of a few miles around where he lives?

Answer. How many miles. You mean in the country where he lives?

Question. No, sir.

Answer. If you mean in the neighborhood, the general reputation of the man, I do know that.

Question. I mean the neighborhood where he lives, and you know what that means.

Answer. I mean to answer most truthfully, if you just get at the fact.

Question. I ask for his general character for truth and veracity in the neighborhood where he lives.

Answer. Where he stops, I do know his reputation.

Question. Do you know his general character for morality and for truth and veracity in the county of Blount?

Answer. Well, I think I do.

Question. How many citizens of Blount County have you heard speak of Mr. Shapard's character for truth and veracity?

Answer. Not a one; but I know his general character.

Question. Do you know it from citizens of Blount County?

Answer. I know it from what everybody says.

Question. Do you know it from citizens of Blount County?

Answer. I know it from what everybody says; citizens of Blount County or anywhere.

Question. You can leave the stand, if you will not answer questions.

Answer. I did not mean to answer disrespectfully.

The CHAIRMAN. I have no further questions to ask you.

The WITNESS. Then I will say this: I really think I know Mr. Shapard's character in his own county. I really think I know his character in his own county.

By Mr. BLAIR :

Question. I will ask you a question, with the consent of the chairman. What is his character?

Answer. It is very bad.

Question. In his own county?

Answer. Yes, sir; and everywhere else.

Question. Is it bad in North Alabama?

Answer. Yes, sir; bad in here in Huntsville, bad in Blount, bad everywhere else.

HUNTSVILLE, ALABAMA, *October 11, 1871.*

JOHN VANVALKENBERG sworn and examined.

The CHAIRMAN. As you were called at the request of the minority of this committee, General Blair will conduct your examination.

By Mr. BLAIR :

Question. Colonel, will you state how long you have lived in Alabama?

Answer. I came to Alabama in December, 1866.

Question. From what State did you come?

Answer. From Indiana.

Question. Had you been in the Federal Army during the war, colonel?

Answer. Yes, sir.

Question. What command did you hold?

Answer. I was colonel of the Twentieth. I went out captain of a company; when I left the service I was colonel of the Twentieth Indiana Volunteers.

Question. Were you acquainted in Indiana with a man by the name of Lakin, who subsequently came to live here?

Answer. Yes, sir. He lived in the town I came from—Peru, Miami County, Indiana.

Question. What was his general reputation in the town in which he lived?

Answer. In Indiana?

Question. Yes, sir.

Answer. Well, I know nothing particularly against him, as a man, in Indiana. I knew that he claimed to be a Methodist preacher, but was not allowed to attend in any of their conferences there at all.

Question. What was the reason he was not allowed to attend the conferences?

Answer. It was something that happened in the State of New York, or New York City. He was stationed there as a missionary, I think, in the Five Points.—the way the story comes to me—and he was charged with seducing his own niece there; at least, that is his wife's story for it.

Question. And for that reason he was not permitted, in Indiana, to attend the Methodist conference?

Answer. Yes, sir.

Question. He was suspended or excluded from the church.

Answer. No, sir; he did some circuit-riding there and preaching; but when the Methodist conference met in our town, Mr. Hoffman, a Methodist preacher, was there, and noticed that Mr. Lakin did not go into the conference, and he, Hoffman, told me that he was not allowed to; that that class of men did not go into the Methodist conference in Indiana.

Question. Did he tell you the cause?

Answer. No, sir.

Question. You heard that from others?

Answer. Yes, sir; Mrs. Wilkinson, of Peru, told my wife that Mrs. Lakin told her that was the charge, but she did not believe it.

Question. Did you know Lakin here?

Answer. Yes, sir, I have known him since July, 1866. I was down here in July, 1866, before I moved here, and he was here then.

Question. What was the character he bore in this community?

Answer. Well, sir, it was rather hard.

Question. State what it was.

Answer. Well, he is considered a disturber of the peace here. He has organized, I believe, some churches here, or a negro church down here, a Methodist church. There appears to be considerable ill-feeling amongst the negroes toward him. I understood that they claimed that they paid him for the ground the church stands on; that it was bought some way in his name; that they have paid him for the ground and he did not make them a deed. This is the darkies' story.

Question. Does the church stand in his name?

Answer. I cannot say that.

Question. Had he any means to purchase and build that church of his own?

Answer. I think not of his own. I think if he did it, it was done through the Northern Methodist church in one way or other. He was down here as kind of a missionary, organizing a branch of that church here.

Question. Will you state what is his character here among the white people—his general character?

Answer. It is bad.

Question. In what respect?

Answer. Well, they consider him a disturber, an agitator and disturber, working up the negroes against the whites.

Question. How in regard to his truth and veracity?

Answer. Do you mean what is his general reputation for it?

Question. Yes, sir; his general reputation.

Answer. Well, as talked on the streets, as spoken of on the streets, you mean?

Question. Yes, generally.

Answer. It is bad, sir.

Question. Would you, from what you know of him, believe him on his oath?

Answer. I would not; not since he testified in Washington, if that is the true report of his testimony there; the evidence he gave on the condition of affairs in Madison County I could not believe.

Question. Did you ever hear him speak here?

Answer. Make a speech?

Question. Yes.

Answer. No, sir; I don't think he does that, only in his profession.

Question. As a preacher?

Answer. As a preacher.

Question. Did you ever hear him make a political speech?

Answer. I never did. He does his work—bushwhacking as they call it in Miami County—going around and doing it by talking to people.

Question. Was he a candidate for the Senate?

Answer. Here?

Question. Yes.

Answer. I don't remember of his having the nomination for any office here.

Question. I mean a candidate for the United States Senate before the legislature.

Answer. I don't know; there were so many of them candidates there that I could not keep the run of them.

Question. Do you know what his character was in Peru, as a man of truth and veracity?

Answer. I don't think I ever heard anything said against his character for truth and veracity there. He is the first secessionist I ever knew.

Question. A secessionist?

Answer. He split the Methodist church in Peru and took half of it.

Question. Was that during the war or before it?

Answer. Before the war.

Question. Was it well understood that that was his course there?

Answer. I say secessionist because it amounts to that. They split on the mode of seating the ladies and gentlemen together. They had no disagreement previous to his coming there, and he was opposed to their sitting together, and the balance of the church, a large proportion of them, were in favor of the ladies and gentlemen sitting together. They thought a man and his family could sit together. They have a choir to sing and an organ. He was opposed to that and he drew off with his followers and went and started a little shebang in the lower end of the town.

Question. In speaking of him as a secessionist you only allude to his breaking off from the church?

Answer. Yes, sir.

Question. Not to anything political?

Answer. O, no, sir, not at all—not a political thing.

Question. You say you became a colonel in the Army. How long did you serve in the United States Army?

Answer. About two years, twenty-three months, I think it was.

By the CHAIRMAN:

Question. How long did you know Mr. Lakin in Peru?

Answer. I think I knew him about three years before the war. I would not be positive.

Question. Was he a good citizen during that time?

Answer. Well, yes, sir, I think he was. I did not know anything against him.

Question. Did you ever hear anything against his character during that time?

Answer. No, sir, I don't think I did.

Question. Was he engaged in preaching the gospel?

Answer. No, sir, not to my knowledge. I have heard that he used to go out and preach in the country occasionally where they needed a preacher, but was not engaged.

Question. What was his occupation while living in Peru?

Answer. I don't know that he had an occupation, only preaching occasionally at these places. His daughter and wife taught school there.

Question. Do you know the Rev. Mr. Gillam, a Methodist preacher now preaching at Logansport?

Answer. No, sir.

Question. Do you know Hon. James M. Tyner, a member of Congress living in Peru?

Answer. Yes, sir.

Question. Is he a man of truth?

Answer. I should take him to be a man of truth.

Question. Would you rely upon any statement he would make in relation to Mr. Lakin's position and character while he lived there.

Answer. Yes, sir, I think I would.

Question. Do you know Harvey J. Shirk, an attorney at Peru?

Answer. Yes, sir.

Question. Is he a man of good standing and character there?

Answer. Yes, sir.

Question. Would you rely with confidence upon any statement he might make in relation to Mr. Lakin's standing and character while living in Peru?

Answer. Yes, sir.

Question. When did you first hear this charge of his having seduced a niece at or near the Five Points in New York?

Answer. I heard it in Peru. I did not hear the charge definitely stated. That it was a very serious charge I heard in Peru.

Question. Who did you hear it from?

Answer. I could not tell you who I heard it from now. The next time I heard it was from Harvey J. Shirk here in Huntsville.

Question. In what year was that?

Answer. I think it was in 1869.

Question. Did Mr. Shirk express any opinion as to his believing or disbelieving that charge?

Answer. No, sir; he did not express an opinion one way or the other.

Question. How did he come to mention it?

Answer. He was at my house, taking dinner with me there, and asked me about Lakin in the conversation, and I told him he was here. He asked me what he was doing. I told him he was trying to organize a branch Methodist church, I believed, and some other things I think likely I told him.

Question. When should Mrs. Wilkinson have communicated this information to your wife, in relation to Lakin?

Answer. Last month.

Question. When your wife was on a visit to Peru?

Answer. Yes, sir.

Question. You say Mrs. Wilkinson expressed her disbelief of the truth of the statement?

Answer. No, sir. Mrs. Lakin said she didn't believe it. I don't know what Mrs. Wilkinson's notion was about it.

Question. Did you hear the character of Mr. Lakin generally discussed before he gave his evidence in Washington?

Answer. Yes, sir, thousands of times.

Question. You say his character was bad on account of his being a disturber of the peace?

Answer. Yes, sir.

Question. In what did he disturb the peace?

Answer. In stirring up the negroes against the whites down here.

Question. Down where?

Answer. Down here in Huntsville, and in this county, and all over. You could hear of him all over Jackson County, and Blount County, and different counties that he traversed.

Question. From whom does your information proceed that he was disturbing the peace?

Answer. I have seen it published in the papers here, and I have seen affidavits made by citizens around through the counties.

Question. Published in the papers here?

Answer. Yes, sir.

Question. While Mr. Lakin was here?

Answer. Yes, sir.

Question. Did you ever attend any meeting where such disturbance took place?

Answer. No, sir; I have attended very few political meetings since I have been in Huntsville.

Question. Were they political meetings at which these disturbances were created?

Answer. No, sir; they were disturbances made by going on the plantations, and this going and gathering the negroes together, and arraying them, and urging them, and talking to them against the whites.

Question. What did he say to them—what was his language?

Answer. I cannot tell you. I never heard him.

By Mr. RICE:

Question. Did they commit any acts on account of his teachings?

Answer. I don't know as to that.

Question. Did they make any disturbance of the peace on account of his teachings?

Answer. I don't know that they did. I could not say; I could not pick on anything particular.

By the CHAIRMAN:

Question. You never heard him yourself harangue the negroes?

Answer. No, sir.

Question. Did you ever talk with anybody who has heard him?

Answer. No, sir. I have seen a statement in the paper here, coming from a man in Jackson County—I don't know whether it was in 1867 or 1868—that Lakin was traveling through that county, and stopped at, I think, a confederate soldier's house, and Mr. Lakin asked to stay all night, and he told him he could. This was the statement in the paper, sworn to by the man, and Mr. Lakin sat down on the porch and talked to him, and told him that times had changed here; that the negro had got to be on an equality with white folks now, and had the same rights that white men had. Supper was ready, and they invited Mr. Lakin in to supper, and he ate supper; and when he got ready to go to bed, the man showed him a bed to get into; and Mr. Lakin stepped up to the bed and saw it was occupied, and he saw a negro in the bed, and he looked around at this man. The man was there standing at the door, and told him that was the bed he had to sleep in; and this statement says that he then got into the bed and slept with the negro.

Question. Who was the man who made that affidavit?

Answer. I don't remember the name now. It was published in the paper.

Question. Did you know the man?

Answer. No, sir; I never saw him in my life.

Question. Do you know whether he is a man to be believed or not?

Answer. I could not say anything about it. It was in 1867 or 1868, and I was on the plantation in 1867, and I was not very well acquainted with the county.

Question. Was that mentioned as an instance of his disturbing the peace?

Answer. No, sir; only I was just telling you one of the articles that was in the paper.

Question. Did you understand that it was Hobson's choice with him, to sleep with the negro, or not have a bed at all?

Answer. No, sir, I did not understand anything about it. I didn't understand that at all. I suppose the young man thought it was right for him to practice what he preached. So I judged from reading the article.

Question. You know nothing of the truth of the statement contained in that article?

Answer. No, sir; only it was a sworn affidavit.

Question. You may proceed to state more particularly than you have, in what way Mr. Lakin disturbed the peace.

Answer. I don't know that I can state it any further than his talking with the negroes in these gatherings, where they gather them for preaching.

Question. But I understood you to say that you never heard him talk to the negroes?

Answer. I never did hear him talk.

Question. You never saw him bushwhacking, as you call it?

Answer. No, sir.

Question. Your information is all second-hand?

Answer. Yes, sir; I saw it published in the papers.

Question. Was there not a great deal of feeling in the community against Mr. Lakin on account of his mission to the South to organize churches under the auspices of the Methodist Episcopal Church?

Answer. I don't know how that is, Mr. Pratt. There is one thing that brought down on him and made a very ill feeling toward Mr. Lakin and his family. When he first came here, or in 1867 rather, he was living here, and his daughter was writing letters to the North, slandering and running down the people here, and calling them all kinds of names that you can think of, that a woman would call them, in those articles; and those papers were sent right back here, and those articles copied in these papers.

Question. He suffered on account of his daughter's writing?

Answer. That fetched him more prominently before the people, and they noticed him more than they would otherwise.

Question. Do you know of a single act of immoral conduct on the part of Mr. Lakin, while he dwelt for years in this community?

Answer. I do not.

Question. Did you ever hear a single act of immoral conduct reported against him while he lived here?

Answer. No, sir; I have heard intimations of things, but I never heard anything that could be traced to any authentic source.

Question. Did you ever hear his reputation for truth and veracity called in question before he gave his testimony before the committee at Washington?

Answer. Yes, sir.

Question. By whom?

Answer. Well, I have heard talk of it on the streets. I could not name the parties.

Question. On what ground was his truthfulness challenged, and his character for truth brought into question?

Answer. About the time before he left for Washington it was known all over town here that he was summoned before the committee there, and it was talked of that he was a fit subject to go before the committee; that he would testify to anything they would ask him to.

Question. Who was it that spoke up then and charged him with untruth?

Answer. I don't know. It was the general talk over town about his going there, and his name was mentioned in connection with others.

Question. Did any one say he had been guilty of telling lies while living here in this community?

Answer. No, sir; not to my knowledge.

Question. Then the apprehension was that he would tell untruths?

Answer. Well, that is the way they expressed it.

Question. His family is living here yet, is it not?

Answer. I could not tell you. I think there is a young man by the name of Rains, who married his daughter, here. I see Rains here occasionally, but I do not know that I have seen Mrs. Lakin or Mrs. Rains for six months.

Question. You heard of his house being fired into, did you not?

Answer. Yes, sir.

Question. You have no reason to doubt the truth of this statement, have you, that it was fired into?

Answer. No, sir; I have no reason to doubt it, for I live in the house and the bullet-holes are there; but I have great reason to doubt that any one fired into it unless it was some one—well, the general impression is, that it was some darkies that he had wronged some way in planting operations here.

Question. You say that was the general impression?

Answer. Yes, sir.

Question. Among what class of people?

Answer. Among the whites. I have heard it was expressed by the darkies themselves, but never to me. There was some trouble between Mr. Lakin and a gang of darkies that I think he was backing in raising a crop in 1866.

Question. Have you ever heard a single man of the republican faith speak against Mr. Lakin's character?

Answer. I do not know that I have, because I have not talked a great deal with any of the republicans. I don't think that there are more than a dozen or two in town that I ever talk to much.

Question. Why? Do you have no correspondence at all with the republicans here?

Answer. O, yes, sir; but there is a certain class of them that I have no use for.

Question. What class do you refer to?

Answer. A class of men who vote the republican ticket here.

Question. That you have no use for?

Answer. Yes, sir; I don't want to associate with them.

Question. What is the trouble with them?

Answer. Because I think they are not fit for anybody to associate with, that class of men. I am not speaking now of the respectable republicans, but of a certain class that is here.

Question. Men from the North?

Answer. Some of them are from the North, some are not.

Question. You are not down on carpet-baggers, are you?

Answer. I am pretty tight on some of them.

Question. Do they ever call you a carpet-bagger?

Answer. No, sir.

Question. Yet you were born and raised in the Northern States?

Answer. Yes, sir.

Question. But your party never designate you a carpet-bagger?

Answer. They never have, to my knowledge.

Question. That term, then, is only applied to republicans who come down here with carpet-bags?

Answer. It is only applied to these fellows who came and squat around the country seeking office, deluding the negroes and getting them to vote for them, and then tripping them.

Question. Do they not apply it to all men indiscriminately, who come from the North and vote the republican ticket and are outspoken?

Answer. No, sir. I never heard of a man calling Mr. Vandeventer a carpet-bagger, or Mr. Tancre, who is from Wisconsin, and is a republican.

Question. Did this community take you 'by the hand when you came and settled with them?

Answer. Yes, sir.

Question. They have treated you since with kindness?

Answer. I never had a cross word said to me but once.

Question. Are you upon terms of entire social equality with the old residents here?

Answer. Yes, sir.

Question. Do you visit in their families, and do they visit in your family?

Answer. To a certain extent they do. They have very strong lines. I don't suppose there is a place in the world where they are more aristocratic in their views than they are here.

Question. You mean there are certain people of your own political faith who do not visit you, and you do not visit them?

Answer. I do not visit their families.

Question. Is it because you are a northern man?

Answer. No, sir.

Question. What is the reason?

Answer. I have not money enough. If I had money enough, and was a radical, I could go anywhere. It is money. "Money is what makes the mare go."

Question. So that a radical, with money, could go with the aristocracy here?

Answer. Yes, sir.

Question. And that is the standard of respectability?

Answer. Yes, sir, to a certain extent, the same as it is up North. There are plenty of radicals and republicans as well as democrats there that hold themselves above common people. They have their rings there as well as in other places.

Question. You do not think money is the standard in Peru and in Logansport, where we have both been?

Answer. Peru and Logansport are different from any other places that I have ever been in, Mr. Pratt. They don't draw the lines so close there. You know they have not the wealth.

Question. There are such men as John Miller, and D. P. Bearss, and John T. Musselman, and W. W. Haney, they are not aristocrats, and have they not money enough?

Answer. I don't know how it is with you Logansport people. I know John Miller was not an aristocrat, but George L. Dart you know is, and he is a republican.

Question. But he is not a man of large wealth, is he?

Answer. No, sir; but he throws himself back on his dignity very much.

Question. You spoke about Mr. Lakin organizing a negro church here, and about their putting up a house, but that he withholds a deed for the lot.

Answer. That is the story coming from the negro members of the church.

Question. Have you conversed with them?

Answer. Yes, sir.

Question. With how many of them?

Answer. Two or three of them. They came around two or three times a year for contributions for their churches.

Question. Are these negroes you speak of members of the Methodist Episcopal Church South?

Answer. No, sir; they are members of the church Mr. Lakin organized. That is the church between here and the depot, down here.

Question. Are not the negroes in possession of the church and worshipping there?

Answer. Yes, sir.

Question. And complaint has been made that he withheld the title?

Answer. Yes, sir; that is the way they tell it; that it has been paid for and he withholds the deed.

Question. You have not heard the other side?

Answer. No, sir.

Question. You do not know anything of the merits of the case?

Answer. No, sir; I don't know anything about it at all.

By Mr. BUCKLEY:

Question. Did I understand you to say that this charge was made against Mr. Lakin while he was living in New York City, at Five Points?

Answer. Yes, sir; that is the way I understand it.

Question. Subsequent to that, did he live in Peru, Indiana?

Answer. Yes, sir.

Question. Do I understand you correctly as saying that he was not permitted to go into the general conference of the Methodist Episcopal Church, but that he continued to ride a circuit about the country?

Answer. Yes, sir. Mr. Hoffman told me he was not allowed to attend the Methodist conference there, but I understood he was doing a little preaching on his own hook outside wherever they wanted a preacher occasionally.

Question. Do I understand you to say that he continued his ecclesiastical connection with the Methodist Episcopal Church while at Peru, Indiana?

Answer. I don't know what connection he had with it. Mr. Hoffman told me he was not allowed to attend the conference; that he was not admitted.

Question. Was he a licensed preacher of the Methodist Church at the time?

Answer. I cannot tell you.

Question. He did preach?

Answer. He preached around through the country.

By Mr. RICE:

Question. Was he a member of the Methodist Church?

Answer. I suppose he must have been.

By Mr. BUCKLEY:

Question. Do you think the Methodist Episcopal Church would retain a man in its ministry under such a charge of guilt; much less do you think they would allow him to preach?

Answer. I don't know how they could hinder him, if he wanted to preach on his own hook. I have a right to preach, if I want to.

Question. You do not know whether he had maintained his connection with the church or not?

Answer. I don't know.

Question. Was there more than one Methodist colored church here at the close of the war?

Answer. At the close of the war I was not here.

Question. Was there at the time you arrived here?

Answer. I don't know that I could tell you now whether there was or not. I think there are two down here, either Baptist or Methodist, or something or other.

Question. Did you ever hear that the colored people of this city who composed the Methodist church here, had a right to worship in a building which they put up on a lot, the use of which was given to them so long as they continued in connection with the Tennessee conference?

Answer. I don't know anything about it.

Question. You never heard that?

Answer. I never heard it. I heard there was some trouble about the Baptist church down here. Mr. Lakin had something to do with it in some way, and got an order from the commanding officer of this department turning the church over to some other denomination.

Question. Was that the one the colored people had built before the war?

Answer. I don't know whether it was or not.

Question. Did Mr. Lakin organize any Methodist church here whatever?

Answer. I think he did.

Question. Are you positive upon that point?

Answer. I am not positive.

Question. You do not know whether he organized it, or whether he came here and found a church organized?

Answer. I am rather under the impression that the church lot was bought by some one and the church built, or a building may have been on it, (that was a building down between here and the depot,) since he has come here.

Question. You do not know whether the church was given by him or not?

Answer. No, sir; I don't know anything about that. I know there was considerable excitement about the mode of his trying to get this church away from the denomination that had it in charge here, that is, the Baptist Church. The order was countermanded and issued again, and countermanded again, so the papers stated. Finally the old Baptist retained the church.

Question. Was not that the Methodist church, instead of the Baptist church?

Answer. It is the Baptist church now, and has been used as a Baptist church ever since. It is this brick church right back of the hotel here.

Question. In regard to Mr. Lakin I wish to ask you a question, which was asked and answered by Judge Dox, and is found on page 439 of his testimony:

"*Question* [by the Chairman, Mr. POLAND.] What act did you ever hear of Mr. Lakin committing that was derogatory to his character as a Christian minister?"

The answer to that question is this:

"I cannot say that I have heard of any specific act derogatory to his character as a Christian minister."

Now, before the 13th day of June last, did you ever hear anything that was derogatory, or do you know of any act that he committed in this community, derogatory to his character as a Christian minister?

Answer. I don't know that I could answer that. I don't know that I ever heard anything here but what you would call that report, if true —

Question. I am not talking about the report. I want you to specify any act that he committed, while living here as your fellow-townsmen, that was derogatory to his character.

Answer. I might say this: I don't think, from my notion of Christianity, that any preacher has a right to meddle with politics, as long as he is preaching, acting as a preacher.

Question. You referred to some reports. How did these reports of Mr. Lakin reach you? Did they come through the newspapers or were they rumors, communicated from one to the other?

Answer. Which reports?

Question. The rumors you have heard derogatory to his character; how did you obtain them?

Answer. I have seen them published in the papers, and heard this principal one; my wife told me of that. I did not hear the specific charge until she returned from the North, and it was rather strange to me that Mrs. Wilkinson, knowing Mr. Dan as well as I do and that he is a decided republican, should say that much about Mr. Lakin.

Question. Do you know that Mr. Lakin was sent down here by the Cincinnati conference of the Methodist Episcopal Church?

Answer. No, sir.

Question. Under the supervision of the late Bishop Clark?

Answer. I don't know anything about who sent him here.

Question. If that was the case, do you think the Methodist Church would send down here to such a responsible position as this a man under such a charge as that?

Answer. Well, I don't know. The bishop might not have known anything about this previous report. It appears he was not allowed in the Methodist conference of Indiana on some ground or other, and the report was, that there was some crime that he was charged with in the city of New York.

Question. These ecclesiastical bodies, conferences, are presided over in turn by the different bishops of the Methodist Church, are they not?

Answer. I could not answer that. I don't know anything about their drill.

Question. I believe they are so presided over, so that the bishop of that Indiana conference might be, the subsequent year, the presiding officer of the Cincinnati conference, and so be changed about; and in fact while Mr. Lakin was here, Bishop Clark, Bishop Janes, and Bishop Simpson, of the Methodist Episcopal Church, all presided over the conference of which this district was a part. Now, do you think it possible for those three persons to have retained here a minister who was resting under such a charge as that of which you have spoken?

Answer. I don't know what they might do. The charge was there; it was never denied; it was admitted; and still he came down here in that capacity.

Question. Do you usually believe newspaper reports that you hear?

Answer. This was not a newspaper report; this was told as the truth.

Question. The statement you referred to in the papers here?

Answer. And do I usually believe them?

Question. Yes.

Answer. I don't think all such statements are to be relied upon, but a great many of them are, especially if they are backed up by circumstances and other evidence.

Question. I remember a few years ago, not more than three years, of having received a newspaper slip containing extracts from some paper in Indiana, which spoke in very derogatory terms of some of your family connection. I never have given any credence to those statements. I never have asked about them. I remember simply of seeing them, but have passed them by. Do you not think that such reports frequently get out—reports that may be true or false?

Answer. If you had hunted for the author of that report, you would have found it to be Mr. Lakin, and he referred those parties to the chairman of the republican central committee of Alabama, and I wrote to the chairman of that committee and have got his answer in my pocket. That is no fair way to deal with any man. You write a slanderous article against a man and sign a fictitious name, and how can he defend himself?

Question. Is not that the character of much of the newspaper information?

Answer. But where they give name and place it is a different thing.

Question. Have you seen anything of Mr. Lakin's testimony except such portion of it as was sent by the Associated Press to Huntsville, and throughout the country?

Answer. Yes, sir. I did not see anything through the Associated Press. I saw articles written here in Huntsville where he is living.

Question. But in regard to his testimony in Washington?

Answer. I saw that in the papers.

Question. Do you judge him and his character simply by what you saw of his testimony, as telegraphed over the country by the Associated Press?

Answer. No, sir.

Question. I think that in your testimony you stated that since he gave his evidence in Washington you would not believe him?

Answer. You asked for his general reputation here for truth and veracity, and I told you that before his testimony was given, at the time they said he was summoned to testify before the committee, the expression of different parties on the street was that they would not believe him under oath, and after that it was general in the streets that he had stated that which was false, because the acts that he stated as committed in Madison County were not true, which everybody knew.

Question. You judged of the testimony by what you saw in the papers?

Answer. I judged from the testimony myself, as far as I was concerned—things that he stated as happening in this county, about the condition of it; that a Union man or a republican living here was not safe here, if such was his statement—

Question. How do you know that was his statement?

Answer. I only know that was in the paper. His testimony, as published in the Huntsville paper here, was that a Union man or a republican could not express his sentiments in Madison County; that it was not safe for him to do it.

Question. How long did you serve in the Federal Army?

Answer. About twenty-three months.

Question. Were you tried by court-martial during the war?

Answer. No, sir.

Question. Were you dismissed from the service?

Answer. Yes, sir.

Question. For what cause?

Answer. Well, sir, the charge was "disloyalty to the government, and conduct unbecoming an officer and a gentleman."

Question. On that charge you were dismissed?

Answer. On that charge I was dismissed, without a trial and without any specifications or anything of the kind.

By Mr. BLAIR:

Question. State all the facts in reference to that transaction.

Answer. I wish to give an explanation, as you have asked that question. When I took a company out from Peru, Indiana, I was put in the Twentieth Indiana Regiment with Colonel Brown, of Logansport. On the resignation of Major Ben Smith, I was made major of the regiment. On the resignation of Charles Murray, lieutenant colonel, I was made lieutenant colonel. On the death of Colonel Brown, at the second battle of Bull Run, I was made colonel of the regiment. At the battle of the seven days' fight, in front of Richmond, I was wounded and sent home, and while in the hospital at Washington Mr. Colfax fetched me my pay and an order detailing me on the recruiting service in Indiana. I reported to Indianapolis and gathered up eighty-five recruits for the regiment, I and the recruiting party. In starting back, at Indianapolis, I thought I had not quite money enough to take me back to the regiment. I asked a friend of mine there for the loan of \$50, and he pulled me out \$40 and gave it to me and said, "I don't like the idea of loaning money to a man that is fighting under this damned nigger administration." I told him I would send it to him the first pay-day. The first pay-day came, and I sent him the money by express, and wrote him that I had done so, and stated in the letter that it was the last money I expected to get for the next four months from "this damned nigger administration." I put that in, intending to use his expression, his "damned nigger administration." That letter went to Indianapolis, and a man by the name of Reynolds, a sutler there, (this other man's name was Reynolds, too,) took the letter out of the office through a mistake, opened it and read it over and took it to Morton. Morton asked the Secretary of War to dismiss me from the service; and on that letter I was dismissed from the service, without any charges or specifications.

Question. Or any opportunity to explain?

Answer. Without any. I went to Washington at the request of General Hooker. He and General Birney gave me the strongest papers they could for me to go and ask a hearing of the case. I went; and Mr. James Hughes, of Indiana, and Dr. Evarts went with me to the President. One of them I met from the camp in front of Fredericksburg, coming to Washington. General Sickles told me he would withhold the publication of the order until I could go to Washington and do something about the matter. Mr. Hughes went to the President, and the President told him he had not the scratch of a pen against me in his possession; that he never had heard of me before. Still I was dismissed by order of the President, through Stanton. I could get no trial, no hearing, nothing of the kind. When I asked for it they told me I would have to go to

Indianapolis and see Governor Morton. Here are a few of the testimonials from officers, from General Hooker down to the lowest commissioned officer there, was in the whole army of the Potomac, so far as I was known in it. [Exhibiting documents appended to the testimony of this witness.] These are certified copies of the originals. The originals I sent to Mr. Lincoln about two weeks before he was killed, and never heard from them. These are certified to by Alexander Black, circuit clerk of Miami County, Indiana; and also this printed copy I submit for the use of the committee. A copy of the whole of them was printed in a newspaper in my defense, in answer to that slanderous article published here. That article was not published here, but made up in printed packages and deposited on the train in Peru, Indiana, by this man Lakin's daughter, and scattered broadcast over this town here; every merchant and every business man here received one, without any signature to it. It gave as authority the chairman of the republican central committee of Alabama for the truth of these statements. I wrote to him. I think his name is Bocock.

By Mr. BUCKLEY:

Question. Glascock, is it not?

Answer. That is the man. His answer is there. He did not think the republican party had got so low as to stoop to that kind of doings in Alabama.

By Mr. BLAIR:

Question. If you will file that paper it will be appended to your testimony.

Answer. I would ask that as a favor of the chairman of this committee. Here are the testimonials; here are certified copies in manuscript. You know Aleck Black's signature, Mr. Chairman, and this will show you that there was great injustice done here. This slander has been circulated all over the land.

By the CHAIRMAN:

Question. Referring to what you have said in reference to Mr. Lakin, I wish to inquire if you ever heard it gainsaid, or controverted, that he came here by the direct authority of the Methodist Episcopal Church, for the purpose of extending its membership into Alabama?

Answer. I have heard that he came down to organize a branch of the Northern Methodist Church.

Question. Did you understand that he came down clothed with proper authority from the ecclesiastical authorities of that church?

Answer. I never heard anything about that; I just heard the simple statement. In 1866, when I came here, there was a man named Applegate, and a man named Robinson, who used to be a partner of Applegate, and I got acquainted with Applegate and Robinson in 1866 here, and whilst in their office Lakin came in. That is the time this excitement was going on about this Baptist Church; and knowing Lakin as well as I did in Peru, I asked Applegate what he was doing here, and he told me he was attempting to organize a branch of the Methodist Church North here.

Question. But you do not know whether it was by authority of that church or not?

Answer. I do not.

Question. Did you ever hear that Bishop Clark, of Cincinnati, or Bishop Simpson, or Bishop Janes, visited Huntsville during the time Mr. Lakin was living here and working in the interest of the church?

Answer. No, sir, I never did. There was a man named Chalfont who, I think, lived in the house when Mr. Lakin's house burned up; I am not positive about that.

Question. What of him?

Answer. You asked me if I knew any of these other parties; I knew him.

Question. Was he a Methodist minister?

Answer. Yes, sir.

Question. Was he of higher authority than Mr. Lakin in the church?

Answer. I don't know how that was.

Question. You never heard of those bishops visiting here and superintending the work of Mr. Lakin?

Answer. No, sir.

By Mr. BUCKLEY:

Question. Did you hear of Bishop Clark holding a conference in 1866 in Talladega?

Answer. No, sir; I was not here then.

Question. Or Bishop Simpson, in 1869, visiting Georgia and Alabama to preside over the ecclesiastical body; did you hear of his visit?

Answer. No, sir, not here; it might have been at Talladega, but I did not hear of it at the time. I don't take any of the Huntsville papers at all, and never have; I think they are mighty poor excuses for newspapers and I don't take any of them.

By the CHAIRMAN:

Question. You operate with the democratic party here, do you?

Answer. Yes, sir. As they say in that article which I have given you with those testimonials, I was raised a democrat and expect to die one unless there is some better prospect than I see now.

Question. You are regarded as being a pretty strong, bitter partisan, are you not?

Answer. No, sir; they charge me with being a conservative.

APPENDIX.

The documents referred to by the witness, John Vanvalkenburg, in his testimony above, as printed in the Huntsville Daily Independent, Sunday, November 22, 1868, consisting of communications, testimonials, &c., together with editorial matter accompanying the same, are as follows:

AN ANONYMOUS SLANDER NAILED TO THE COUNTER.

We have been furnished for publication by the friends of Colonel Vanvalkenburg, with a large mass of testimony in refutation of the secret and cowardly attack which was lately made upon him in this community. The attack was in the shape of an anonymous circular. We have one of them before us, from which we extract enough to expose its slanderous and cowardly character:

"INDIANAPOLIS, INDIANA, September 20, 1868.

"To the Citizens of North Alabama:

"FELLOW-CITIZENS: Some days ago I walked into the office of a friend and picked up a Huntsville paper, in which I saw what purported to be a speech made by one John Vanvalkenburg, of Huntsville, formerly a citizen of Peru, Indiana, in which he says that he (Vanvalkenburg) has been a democrat; that he sucked democratic milk; and that he still drinks democratic milk, and that he always expects to drink it, &c.

"Judging from said speech, said John must be taking a prominent part in politics. Having known said John and his family for a number of years, and also his father and family, I deem it my duty to inform the good people of Alabama that said John is just the kind of a man that make good democrats up here.

"Some years ago said John was charged with a penitentiary offense in the State, from which he escaped by joining the Regular Army, in which he served five years as a soldier.

"Said John never had one drop of loyal blood in his veins; he has been regarded as too bad a man to ever be cultivated into a gentleman. If he is now banded with the Ku-Klux Klan or other desperadoes, he has at last found his natural element.

"Said John, early in the late war, held a commission in the Twentieth Indiana Infantry, from which he was dismissed for treasonable language.

"The facts upon which this statement is founded will be placed in the hands of the chairman of the republican executive committee of Alabama, so if any one doubts them they can be convinced by writing to him.

"CITIZEN.

"Published by authority."

This infamous and cowardly document was put in the mail on the cars somewhere in Indiana, and circulated through the post-office in this community. No one knows where nor by whom it was written nor when published. It is thought to have been concocted by some cowardly carpet-bagger in this community, and carried to Indiana to be mailed for the purpose of evading discovery, exposure, and punishment. Colonel V., being a stranger here, naturally desires to repel an attack which never would have been made in his own State and among his own people; and if made could have been safely answered with "the mild laughter of contempt."

The large mass of documents in our possession, from which selection has been made for publication, do emphatically present Colonel Vanvalkenburg to this community as a brave soldier, a true patriot, and an honest gentleman. We do not think that any one here has ever given the slightest credence to his secret and cowardly enemies, yet, nevertheless, we publish the following in order "to make assurance doubly sure:"

HEADQUARTERS THIRD ARMY CORPS,
Camp near Falmouth, Virginia, February 19, 1863.

MY DEAR SIR: By a recent order of the President, from the War Department, Colonel John Vanvalkenburg, Twentieth Indiana Volunteers, is dismissed from the service of the Government for disloyalty and conduct unbecoming a gentleman.

Colonel Vanvalkenburg commands a brigade in the second division, which will for-

ever be associated with that of the brave and lamented Kearney. Of the faithful and gallant services of Colonel Vanvalkenburg you will find abundant evidence in the testimonials he will exhibit to you from his comrades in that division, with whom he has shared the honors of many battles, and by the side of whom he was wounded. This officer has risen from the grade of captain to his present rank and command, and General Birney, who now commands the division, informs me that he has no superior in the division for loyalty, courage, and good conduct.

You will share the surprise and regret of those who know and esteem Colonel Vanvalkenburg, that he has been dismissed without a trial, without a hearing; that he does not know, nor can any officer in the Army tell, what acts or words of his are assigned as the cause of this summary and terrible disgrace.

I have commended this faithful and accomplished officer to you because I am sure you desire to see justice done between him and the Government. I am sure there is no sufficient ground for the hard fate to which he has been consigned; and if not I need not appeal to you in his behalf—not only as your fellow-citizen, but as a soldier, he will have your hearty and powerful friendship. I think he should not only be promptly and honorably restored to his command, but he should be promoted. His services merit this recognition, and now it is due to him as a slight atonement for the wrong he has received.

Faithfully, &c.,

SICKLES.

Hon. SCHUYLER COLFAX, M. C.

HEADQUARTERS FIRST DIVISION, THIRD CORPS,
Belle Air, February 20, 1863.

GENERAL: Permit me to encroach so far upon military etiquette as to introduce to you Colonel Vanvalkenburg. He visits Washington to try and have the order dismissing him revoked.

I can only say to you that I regard him as one of the best officers and soldiers in my division, and in restoring him your army will retain one of its truest officers and loyal citizens.

The colonel only seeks an opportunity to meet the calumniators and the calumny.

Your obedient servant,

D. B. BIRNEY,
Brigadier General.

Major General JOSEPH H. HOOKER,
Commanding Army of the Potomac.

The letter from General Birney is indorsed as follows:

“HEADQUARTERS CAVALRY CORPS, *February 9, 1863.*

“I could not have been more surprised had I read the order dismissing myself or any other officer in the service than I am at the order dismissing Colonel Vanvalkenburg. I had the honor to command the colonel for three months, and I can conscientiously affirm there was no officer in whose loyalty, bravery, and integrity I had more confidence than in his, and I feel morally certain that there has been some misapprehension, based upon misinformation, in the matter.

“GEORGE STONEMAN,
“Brigadier General, Late Commanding Third Corps.”

“The action of the authorities in regard to Colonel Vanvalkenburg is incomprehensible to his friends in camp. I can only think that there has been some mistake in this case. His loyalty has never been doubted by his brother officers, nor has his soldiership been other than the proudest soldier might envy. No injurious suspicions are attached to his name in the Army.

“J. HOOKER,
“Major General, Commanding.”

HEADQUARTERS THIRD ARMY CORPS, *February 19, 1863.*

MY DEAR SIR: Again I have to appeal to you for your good offices in behalf of a meritorious officer who has, I believe, been unjustly dealt with by the Government. Colonel Vanvalkenburg, of this command, (commanding a brigade,) has been dismissed the service for disloyalty and “conduct unbecoming a gentleman.” He has had no hearing, knows not of the words or acts charged against him, and in the noble division in which he has served—that of the lamented Kearney—every officer hears with amazement and indignation of this extraordinary proceeding. Colonel Vanval

kenburg will show you evidence of his high and unchallenged standing in the service, all of which I indorse completely and without reserve, and I beg your generous aid in behalf of a gallant and faithful officer in his appeal for justice.

Respectfully,

D. SICKLES,
Brigadier General, Commanding.

Hon. IRA HARRIS,
United States Senate.

HEADQUARTERS CAVALRY CORPS, *February 20, 1863.*

DEAR SIR: Allow me to introduce to you my friend Colonel Vanvalkenburg, of the Twentieth Indiana Volunteers. He has one of the finest regiments in the service, and I have ever considered him one of the best commanders in the Army.

He will make his business known to you, and I hope you can find time to take the matter in hand and will try to secure for him a hearing, when I feel assured he will come out all right; if not, then I will say I have been more deceived in the colonel than I ever was before by any other person.

I am, very respectfully, &c.,

GEORGE STONEMAN,
Brigadier General.

Hon. Mr. DUNN, M. C.

HEADQUARTERS THIRD BRIGADE, FIRST DIVISION, THIRD CORPS,
Camp Pitcher, Virginia, February 19, 1863.

GENERAL: I have just learned with surprise that Colonel John Vanvalkenburg, Twentieth Indiana Volunteers, has been dismissed the service for disloyalty and conduct unbecoming an officer and a gentleman. I feel it due to this gallant officer, who bears honorable scars upon his person, received in support of our glorious cause, to say that I commanded for some time the brigade to which the Twentieth Indiana is attached, and have served in the same division with Colonel Vanvalkenburg during the Peninsular campaign, and that from my intercourse with him I have ever regarded him as particularly faithful in the discharge of his duty, truly loyal to the Government, and one of the most efficient officers of his grade in the service. I confidently assert that this most gallant division can boast of no more gallant or efficient regiment than the Twentieth Indiana.

I have no idea of the allegations which have led to Colonel Vanvalkenburg's dismissal, but his distinguished services, past history, and soldier-like qualities bespeak for him a patient hearing.

Very respectfully, your obedient servant,

S. B. HAYMAN,
Colonel Thirty-Seventh New York Volunteers, Commanding.

General L. THOMAS,
Adjutant General United States Army.

HEADQUARTERS FIRST DIVISION, FIRST BRIGADE, THIRD CORPS,
February 20, 1863.

DEAR SIR: Last evening the officers of the Twentieth Indiana held a meeting at these headquarters to take into consideration the resolutions—a copy of which you have doubtless seen—adopted by the Indiana soldiers of the Army of the Cumberland. The resolutions were adopted as the sentiment of the officers of the Twentieth, and to-day will be submitted to the men, when the result will be forwarded to Indiana.

After adjournment, and before the officers had retired, we were informed that our colonel, John Vanvalkenburg, at present commanding the brigade, had been dismissed the service for "disloyalty and conduct unbecoming an officer and a gentleman." Had a shell exploded in our midst it would not have produced more surprise, so entirely un-

expected was it, and so ridiculous did it appear, that we at first were inclined to consider it a joke, but it has proven too serious for that. I write to secure your influence to obtain an investigation of the matter, as it has been done so quietly that not a whisper of it reached us until the order for dismissal was received. Were there the least ground to believe the charges true, I would be the last man to raise a voice in his favor. But having been in the same regiment with him for over nineteen months, knowing him intimately, seeing him rise step by step from the rank of captain to colonel and brigade commander, having fought side by side with him, been wounded in the same fight, and lain in the same hospital, and never having seen the least sign from him of disloyalty and ungentlemanly conduct, I cannot believe the charges until they are openly and fairly proven, and he has been given a chance to defend himself.

Our regiment was raised principally in your and Mr. Colfax's districts—two companies from Fountain County, and one from Tippecanoe.

Colonel Vanvalkenburg came out as captain of company A. Being an old Mexican soldier, by his energy and efficiency he has secured the full and entire confidence of the regiment, and rises to his present position. Do you think, in a regiment where every man was striving for promotion, that he would have been permitted to rise so rapidly, if the slightest suspicion of disloyalty tainted his fair fame? Do you think the officers of the Twentieth would have permitted a man who was guilty of ungentlemanly conduct to be commissioned their colonel and not raise one single voice against it?

One of his first acts after taking command was to prevent the depletion of his regiment by unauthorized discharges, which at that time were so numerous, and to arm and equip seventy-five men who had been without arms so long that they had forgotten almost how to use them.

Are such acts prompted by a disloyal heart?

Colonel Vanvalkenburg (then lieutenant colonel) was wounded in the battle before Richmond on June 25, the first in which our regiment was engaged. Being unfit for service in the field, he was detailed on recruiting service in Indiana. Shortly after the death of Colonel Brown, at Bull Run, he was ordered to the regiment, which he commanded at the battle of Fredericksburgh. He was assigned command of the brigade, which he held until the receipt of this order, considered so unjust by his officers that they demand an investigation in which both sides may be heard.

Most respectfully, your obedient servant,

W. D. VATCHER,

First Lieutenant, Twentieth Indiana Volunteers, and Assistant Adjutant General.

Hon. ALBERT S. WHITE.

HEADQUARTERS SECOND BRIGADE, FIRST DIVISION, THIRD CORPS,
Camp Pitcher, February 20, 1863.

COLONEL VANVALKENBURG:

DEAR COLONEL: A rumor has reached me that some person or persons have attempted to undermine your character as a soldier, and accused you of that most hideous of all crimes—disloyalty. Whether the rumor is true or false, I cannot permit the opportunity to pass and not express my sentiments in regard to the matter. Having been associated with you on many occasions since you joined the division in front of Richmond, I have had many opportunities to judge of your character, and I do not believe a truer soldier of the Union exists in this division.

The gallant service rendered by the regiment under your command, Twentieth Indiana, whose reputation is second to none, your wounds in the service of your country, speak in louder tones than I can, of your loyalty to our good cause. That the executive of your State is confident of your patriotism, is exemplified by your recent promotion to the colonelcy of your regiment, in place of the lamented Colonel Brown, killed at Bull Run on the 28th of August last. I sincerely hope the rumor is without foundation, both for your sake and that of the noble regiment you command. Under any circumstances you may command me.

I am, sir, your obedient servant,

J. H. HOBART WARD,

Brigadier General.

The general and field officers present, of the Second Brigade, First Division, Third Corps, Army of the Potomac, take pleasure in certifying that Colonel J. Vanvalkenburg, late of the Twentieth Indiana, has ever shown himself a brave and efficient officer, we well knowing his services, and the services of his command in the field.

We also vouch for his loyalty to the Government from a personal acquaintance with his speech and action. Believing that his own personal sacrifice to the cause in which we are engaged should also conclusively prove his devotion to the Constitution and the country, and also feeling a deep interest in the maintenance of the character of

our Army, we most unequivocally state that Colonel Vanvalkenburg is in every particular, both civil and military, qualified for the position he filled.

J. H. HOBART WARD,
Brigadier General

E. WALKER,
Colonel Fourth Missouri Volunteers

PETE SIDES,

Lieutenant Colonel, commanding Fifty-seventh Pennsylvania Volunteers.

ASHLEY S. SEIDY,

Colonel, commanding Ninety-ninth Pennsylvania Volunteers.

ERWIN R. BELES,

Lieutenant Colonel Ninety-ninth Pennsylvania Volunteers.

R. F. ALLISON,

Lieutenant Colonel Thirty-eighth Regiment New York.

AUGUSTINE FRANK,

Major Thirty-eighth Regiment New York.

NELSON A. GESSUER,

Lieutenant Colonel Fortieth New York.

P. ALLEN LINDSAY,

Major Fortieth New York.

E. BURT,

Lieutenant Colonel Third Missouri Volunteers.

HEADQUARTERS TWENTIETH INDIANA VOLUNTEERS,

Camp Pitcher, Virginia, February 27, 1863.

SIR: The dismissal of Colonel Vanvalkenburg, of this regiment, for "disloyalty" and "conduct unbecoming an officer and a gentleman," was as unexpected to the regiment as that you should turn traitor. My acquaintance with him has been intimate for the past twenty months, and I have for the first time to hear or see anything in him that tends to disloyalty. On the contrary, I have no hesitancy in saying I believe he is as loyal and good a soldier as we have in the service. It must be that there is some mistake or dishonesty in some quarter, and I ask as a friend that you help him to get a hearing, either by court of inquiry, court-martial, or in some other way by which he may have a hearing. I think it no more than just that a man have a chance to defend himself.

Respectfully, yours,

JOHN WHEELER,

Lieutenant Colonel Twentieth Indiana Regiment.

Hon. S. COLFAX, *Member of Congress.*

HEADQUARTERS FIRST BRIGADE, FIRST DIVISION, THIRD CORPS,

Camp Pitcher, near Falmouth, February 20, 1863.

GENERAL: We, the undersigned, field officers of the First Brigade, First Division, Third Corps, Army of the Potomac, having heard, with deep regret and utter astonishment, that Colonel Vanvalkenburg, Twentieth Indiana Volunteers, commanding this brigade, has been dismissed the United States service for disloyalty and conduct unbecoming an officer and a gentleman, beg leave to state that in our intercourse with him we have had every reason to believe him a gallant soldier, a firm patriot, and a perfect gentleman. We have served in the same brigade with Colonel Vanvalkenburg for the past twenty months, and part of this time have been under him as brigade commander, and never have we, by any word or deed of his, seen cause to doubt his loyalty.

We are, general, very respectfully,

J. W. GREENWALT,

Major One hundred and fifth Pennsylvania Volunteers.

A. H. TIPPIN,

Colonel Sixty-eighth Pennsylvania Volunteers.

R. E. WINSLOW,

Major Sixty-eighth Pennsylvania Volunteers.

G. S. WATKINS,

Colonel One hundred and forty-first Pennsylvania Volunteers.

JOHN WHEELER,

Lieutenant Colonel Twentieth Indiana Volunteers.

A. A. MCKNIGHT,

Colonel One hundred and fifth Rhode Island Volunteers.

CHAS. H. D. COLLIS,

Colonel One hundred and fourteenth Pennsylvania Volunteers.

JOS. S. CHANDLER,

Major One hundred and fourteenth Pennsylvania Volunteers.

W. S. KIRKWOOD,

Lieutenant Colonel Sixty-third Pennsylvania Volunteers.

HEADQUARTERS THIRD BRIGADE, *February 21, 1863.*

We, the undersigned, officers of this brigade, understanding that Colonel Vanvalkenburg has been dismissed the service for disloyalty and conduct unbecoming an officer and a gentleman, feel it due to him to say that we have been connected with him in the same division, commanded by General Birney, and formerly well known as "Kearney's Division," and can bear testimony to his distinguished services as an officer and soldier; that this gallant division can boast of no more daring or more efficient regiment than the Twentieth Indiana Volunteers. We have never in our intercourse with Colonel Vanvalkenburg had any reason to believe that his conduct was not a true index of his feelings, and we now urgently represent that Colonel Vanvalkenburg's eminent qualities as a soldier, his distinguished services in the field, and the wound he has received in the service, bespeak for him a patient hearing of his case.

S. B. HARMAN,
Colonel Thirty-seventh New York Volunteers.
 FRANCIS S. LELANE,
Lieutenant Colonel First Regiment New York Volunteers.
 JOSEPH YEAMANS,
Major First New York Volunteers.
 EDWIN P. PIERCE,
Lieutenant Colonel Third Maine Volunteers.
 W. B. HOUGHTON,
Major Third Michigan Volunteers.
 GILBERT RIORDON,
Lieutenant Colonel Thirty-seventh New York Volunteers.
 WILLIAM DE LACEY,
Major Thirty-seventh New York Volunteers.
 JOHN BUFORD,
Major Fifth Michigan Volunteers.
 GEO. W. WEST,
Major Seventeenth Maine Volunteers.
 B. R. PIERCE,
Colonel Third Michigan Volunteers.

HEADQUARTERS FIRST DIVISION, THIRD CORPS,
Belle Air, February 20, 1863.

SIR: The dismissal of Colonel Vanvalkenburg, Twentieth Indiana, for disloyalty and conduct unbecoming an officer and a gentleman, has astonished this division. He has distinguished himself as an efficient and gallant officer, and I cannot believe the charges are based on truth. I regard his regiment as equal in discipline, efficiency, and courage, to any in the Army.

May I ask that his case be referred to the board of revision, or a board of inquiry be granted him? I am convinced that he will show the charges against him to be false, malicious in fact; utterly so.

I am your obedient servant,

D. B. BIRNEY,
Brigadier General, Commanding Division.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

CAMP PITCHER, VIRGINIA,
February 19, 1863.

Colonel John Vanvalkenburg, of the Twentieth Indiana Volunteers, having been dismissed the service for "disloyalty and conduct unbecoming an officer and a gentleman," without trial and without notice to him of charges, now, therefore, we, the officers of the Twentieth Indiana Regiment, hereby certify that we have never seen any act, nor heard any expression of Colonel Vanvalkenburg, which could lead us to believe him disloyal to the Government of the United States, or unfaithful to his duties as a

loyal man and good soldier ; also that his conduct as an officer and gentleman has been fully equal to the officers with whom we are acquainted in the service.

JOHN WHEELER,
Lieutenant Colonel Twentieth Indiana Volunteers.

ORPHEUS EVARTS,
Surgeon Twentieth Indiana Volunteers.

J. W. HART,
Quartermaster Twentieth Indiana Volunteers.
W. C. PORTER,

Chaplain.

H. C. GROVER,
Assistant Surgeon.

CHAS. A. BELL,
Captain Company B.

CHAS. REESE,
Captain Company D.

THOS. C. BROWN,
Captain Company K.

WM. S. BABBITT,
Captain Company D.

HENRY QUIGLEY,
First Lieutenant Company G.

HIRAM CRAWFORD,
First Lieutenant Company E.

WILLIAM A. SHERWOOD,
First Lieutenant Company K.

W. D. HATCHER,
First Lieutenant Company D.

F. C. SUTHERLAND,
First Lieutenant Company F.

JOHN PRICE,
First Lieutenant Company K.

CHAS. LINER,
Second Lieutenant Company D.

H. H. MILLER,
Second Lieutenant Company F.

JOHN C. BARTHOLOMEW,
Second Lieutenant Company K.

LORENZO D. CASE,
Second Lieutenant, Commanding Company I.

CHAS. F. DEIBERT,
Sergeant, Commanding Company A.

ROBT. H. TAYLOR,
Second Lieutenant Company G.

JOSEPH A. CLARK,
Second Lieutenant Company K.

[General Orders No. 39.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
February 10, 1863.

I. Colonel J. Vanvalkenberg, Twentieth Indiana Volunteers, is, by the order of the President, dismissed the service of the United States, for disloyalty to the Government, and conduct unbecoming an officer and a gentleman.

By order of the Secretary of War.

L. THOMAS,
Adjutant General.

HEADQUARTERS FIRST BRIGADE, FIRST DIVISION, THIRD CORPS,
March 22, 1863.

Official:

F. BIRNEY,
Assistant Adjutant General.

Extracts from newspapers.

The officers and soldiers of the Twentieth Regiment Indiana Volunteers, and the people of this and the adjoining counties, well recollect with what bitter rancor Colonel

J. Vanvalkenberg was pursued during the time he was in the Federal service as colonel of that regiment, and the underhanded and unscrupulous means used by his political enemies to secure his dishonorable discharge from the service, because he chose to exercise the rights of a freeman and vote his sentiments at the ballot-box. Justice, sometimes slow, but always certain, has at least fixed the brand of shame upon his persecutors, and revoked the foul order by which they sought to sully his fair fame as a gentleman and a soldier. On Monday last the colonel received a copy of the following order from the War Department:

[Special Order No. 194, Extract 4.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, April 27, 1863.

By direction of the President, so much of General Orders No. 39, series of 1863, from this office, as dismissed Colonel John Vanvalkenberg, Twentieth Indiana Volunteers, is hereby revoked, and he is honorably discharged the service as of the date of said order.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

Official:

R. WILLIAMS,
Assistant Adjutant General.

Slowly and surely things are righting themselves. The prison-doors are being unbarred to the victims of arbitrary arrest. The slimy slanders of political persecutors are being lifted from their victims, and dashed in the faces of their originators, and time, the great regulator of human events, is setting all things right.

EXECUTIVE DEPARTMENT,
Indianapolis, March 9, 1866.

To whom it may concern:

The bearer hereof, John Vanvalkenberg, a loyal citizen of this State, wishes to visit Nashville, Tennessee, for the purpose of transacting business. I respectfully request that he may be permitted to pass. Any favors shown him will be appreciated.

O. P. MORTON,
Governor of Indiana.

PERU, INDIANA, *October 8, 1868.*

DEAR SIR: Yours of the 5th instant, in relation to Colonel John Vanvalkenberg, formerly of this place, is this moment received. I am very much surprised at the circular you speak of. Its reference to me is wholly without authority. I was a neighbor of Colonel V. for several years. His family and mine were on intimate terms, and I take pleasure in bearing testimony to their moral standing in this city. Colonel V. was a rough sort of a man in his language, as he doubtless yet is, but I never heard of his having been a jail-bird, or anything of that kind, and am satisfied that any statements to that effect are slanderous and untrue. Colonel V. early in the war took out a company in the Twentieth Indiana Regiment, was afterward promoted to the rank of colonel. He was afterward dismissed the service, rumor said for disloyalty, but I think after the close of the war he got an honorable discharge. This is the worst I ever heard against him. Many of us disliked his politics, but I have no hesitation in saying as a citizen and a man he came up to the general standard of Indiana democrats. I have never seen or heard anything derogatory to Colonel V. that you would not find out in a very short acquaintance. He has a most estimable family.

Yours,

H. J. SHIRK.

F. M. TAYLOR, Esq., *Huntsville, Alabama.*

P. S.—Will you be kind enough to send me a copy of the circular you refer to?

MONTGOMERY, *October 8, 1868.*

Sir: Yours without date is just received. I am as ignorant of the authority of the circular as you are; and I will say further that I utterly condemn all such prac-

tices, come from what source they may. The republican party is not a party of vituperation or defamation.

Yours, very respectfully,

THOS. O. GLASCOCK,
Chairman Executive Committee.

PERU, INDIANA, November 7, 1866.

John Vanvalkenberg, esq., the bearer of this letter, has, for the past eighteen years, lived in this city; is now about changing his residence to Huntsville Alabama. Mr. V. is a high-toned, honorable gentleman, a good neighbor, good citizen, and kind-hearted man. We cordially recommend him to our southern brethren, and assure them that in Mr. V. they have a true and unflinching friend.

Very respectfully,

H. DUTTON,
JNO. A. GRAHAM.
R. R. DONALDSON.
N. O. ROSE.
R. P. EFFINGER.
JAMES Q. MILLER.

I most heartily concur in all that is here said in behalf of Colonel Vanvalkenberg. He is a reliable and upright man. I have known him long, and highly esteem him.

D. W. VOORHEES.

I am personally acquainted with Colonel Vanvalkenberg, and esteem him a worthy man, and will always be gratified to hear of his prosperity.

T. A. HENDRICKS,
United States Senator of Indiana.

I concur fully with Mr. Hendricks. Colonel V. is worthy, deserving success, and, I trust, will obtain it.

GRAHAM M. FITCH,
ex-Senator of Indiana.

We have many other equally emphatic testimonials in our possession from a large number of gentlemen distinguished in civil and military life; but we have no space to publish them, nor do we deem it at all necessary.

Colonel V. has honorable and flattering testimonials from the ancient Order of Odd Fellows, of which society he has been a distinguished member since 1852. We are sure he and his family will cherish all these appreciative and complimentary papers, and proudly transmit them as an honorable inheritance to their children.

They are too valuable to be lost and too sacred to be soiled by the foul breath of slander. We can assure him that he has not been at all injured, but rather benefited, by this aspersion of his enemies. Doubtless his modest worth would not have been so generally known but for this dastardly attack upon his character. There is a moral in all this. We cannot conclude this publication without expressing our utter scorn and contempt not only for this cowardly slander, but for the slanders of the negro radical party in general.

Since the surrender, that party has used but one efficient weapon in the South, and that is wholesale, unjustified, unmitigated, slimy slander in reference to the men and motives and measures of this section: "They lie, and lie freely." Let a man, a community, a State hold to democratic constitutional principles, and there is no lie too vile and cowardly for their wicked and miserable purposes.

Colonel V. has emphatically answered and exposed the one in reference to himself. Who will be next attacked? The other day a whole mail-bag of poisoned pamphlets were deposited for circulation with a carpet-bag official in this city, filled with basest and blackest lies against the most respectable gentlemen in this State and section. These publications are secret and anonymous, and nobody can be found responsible for them. But they are all published in the interest of radicalism and claim upon their face to be "by authority." It is a crying shame. It is intolerable and must not be tolerated.

The radical assassins who do this dastardly work ought to be treated as assassins whenever they are discovered. They should be dragged from their secret lairs and brought to the bar of justice. It is the duty of decent people to protect themselves from the persistent and cowardly persecutions.

HUNTSVILLE, ALABAMA, *October 13, 1871.*

CHARACTER OF REV. A. S. LAKIN.

The CHAIRMAN. I desire to lay before the committee certain letters which I have received to-day in response to an inquiry which I sent from this place relative to the character and standing of the Rev. A. S. Lakin in the community in which he lived before he came to Alabama. The first letter I submit to the committee is from the Rev. Mr. Gillam, pastor of the Methodist Episcopal church at Logansport, Indiana. I am acquainted with Mr. Gillam, and know him to be a very respectable gentleman. Logansport is also the place of my residence, and is eighteen miles from Peru, Indiana, where Mr. Lakin formerly lived. On the back—

Mr. BLAIR. I will interpose an objection to the reading of that letter, or its use as evidence, because the man himself who wrote it can be reached and brought before the committee; and it has been adjudicated in the general committee that a paper of the kind cannot be introduced where we have no opportunity of cross-examining the writer, and I submit that it is not evidence. The witness should be called himself.

The CHAIRMAN. That objection will go upon the record.

Indorsed upon the back of Mr. Gillam's letter are certain certificates, one from Mr. A. M. Gibson, whose handwriting I am acquainted with, a gentleman of good standing. Another from W. A. Black, a highly respectable Methodist gentleman living in Logansport, with whom I am well acquainted. Another is signed by J. W. McCaughey, an old gentleman of high standing in Logansport. There is another from S. B. Richardson, a citizen of excellent character in Logansport, and likewise a Methodist.

The next letter I desire to lay before the committee is from the Hon. James N. Tyner, a member of Congress from the eighth congressional district of Indiana. He was elected as my successor when I was transferred to the Senate. He lives at Peru, Indiana, and is a gentleman of high respectability and character.

The next letter that I desire to lay before the committee is dated Peru, Indiana, October 9, 1871, addressed to me and signed by several gentlemen who live in Peru and its vicinity. Among them is Mr. Tyner, also James M. Brown, a lawyer of good standing, for a long time one of the editors of the *Peru Republican*; Jonas Hoover, who was formerly, I believe, sheriff of that county; W. H. Deniston, a name that I am familiar with. He is a merchant there, I believe. Also, Charles Spencer, who is a business man in good standing, whom I have known twenty-five years; D. R. Bearss, one of the wealthiest men in Miami County, living in the edge of Peru. He has been State senator. Another signer is G. J. Reed, who is the editor of the *Peru Republican*, the only republican paper published I believe in the county, a very respectable gentleman. Another signer is J. Colclazer, who I think is pastor of the Methodist church at Peru. He was formerly pastor of that church at Logansport. I have known him for a great many years. He is a gentleman of good standing. Another is Dr. C. R. Quick, a physician of high character, very respectable, living at New Waverly, a few miles below Peru.

Mr. BLAIR. My objection, which I wish to be noted, to the reception of any of these letters or certificates, is that the parties are all within reach of the subpoena of the committee, and not being produced in person we have no means of cross-examining them and testing their knowledge and truthfulness by asking them in respect to other matters about this man Lakin.

Mr. RICE. I should suppose these certificates were as good as those you offered concerning Mr. Vanvalkenburg.

Mr. BLAIR. The character of that gentleman is not assailed.

Mr. RICE. Mr. Lakin is assailed.

Mr. BLAIR. Similar papers were produced before the committee when taking testimony in Washington, whereupon I made the objection, and they were excluded, upon the ground that there was no opportunity given to cross-examine the witnesses, which is one of the tests of truth, as every one who practices law very well knows.

The CHAIRMAN. A great part of the testimony submitted by your own witnesses generally has been purely hearsay.

Mr. BLAIR. I know that, and I know also that the majority of the committee refused to exclude that sort of testimony, but availed themselves of it, and of course could not refuse it to the other portion of the committee after taking the benefit of it themselves; but in a case exactly similar to this they refused to admit such letters as evidence. I make the objection. I do not expect it to prevail.

The CHAIRMAN. Do you wish a vote taken?

Mr. BLAIR. I do, and I want the ayes and noes.

The CHAIRMAN. After the explanation I have made as to the manner in which these communications came to be addressed to me, and the character of the men who have signed them, the proposition is now submitted to you whether they shall go upon our minutes as part of the evidence.

The question being upon the admission of the above-mentioned papers, the ayes and noes were taken, and resulted:

AYES—Messrs. Buckley, Rice, and the chairman.

NOES—Mr. Blair.

So the papers were ordered to be inserted in the testimony.

The documents referred to are as follows:

LOGANSPOUT, INDIANA, *October 10, 1871.*

DEAR SIR: Your letter of inquiry came to hand yesterday, and I hasten at once to collect the facts in the case and forward them to you.

Several of the leading members of my church, as W. A. Black, J. W. McCaughey, A. M. Gibson, S. B. Richardson, and others, are well acquainted with Mr. Lakin, and say that he left here with a character unimpeachable. A report followed him here from where he came from to the effect that he had seduced a young lady; but the whole matter was settled; he was found innocent and acquitted, though there never were any formal charges preferred against him, that I can find out, only rumor and report, and this all gave way. He was never suspended by his own conference in the East, so far as I can ascertain, and he never joined this conference; but one of our bishops transferred him to Alabama, as we understand it here, which is evidence that he was not suspended, and also that he was in good standing in conference, for a bishop would not and could not transfer him while he was under censure.

The lady referred to has since died, and on her death-bed entirely acquitted him, declaring the report was without foundation. As Mr. Lakin lived at Peru, Mr. Gibson went up there to ascertain all the facts in the case. They say there that no man in Peru stands higher and fairer than Mr. Lakin. They say the report referred to had no foundation in truth. He was pastor of one of the churches in Peru part of the time while he lived there. He also preached in Logansport several times; staid with W. A. Black several nights; Black says he is a first-class man. A. M. Gibson was in business with him for some time; he is writing a letter to you and will furnish some additional particulars.

N. GILLAM,

Pastor M. E. Church, Logansport, Indiana.

Hon. D. D. PRATT.

[Indorsed on the back.]

We, the undersigned, certify that the statements in the within letter are true to the best of our knowledge.

A. M. GIBSON.

All of the foregoing is correct and true of the Rev. Mr. A. S. Lakin, and when I say that he sustained a character that was unimpeachable, I say but the bare truth.

W. A. BLACK.

A. Lakin is like the gold tried in the fire and not found wanting.

J. W. McCAUGHEY.

No man could be more chaste than Mr. Lakin while here.

S. B. RICHARDSON.

PERU, INDIANA, *October 9, 1871.*

DEAR SIR: During the time Rev. A. S. Lakin lived here I did not hear a whisper against his character, except from democrats, who didn't like his extreme radicalism. He stood well in the church, and was for a long time an acceptable pastor of the leading Methodist Episcopal church in the city. No man, so far as I know, questioned his veracity, and an attempt to discredit his testimony before a court would have been an utter failure.

Yours, truly,

JAS. N. TYNER,

Hon. D. D. PRATT,
Huntsville, Alabama.

PERU, INDIANA, *October 9, 1871.*

Hon. D. D. PRATT, *United States Senate:*

Rev. A. S. Lakin, now of Alabama, came to this place about 1859, and remained here, except during his absence in the United States military service, until 1865 or 1866.

During his residence here, a period of six or seven years, his conduct was irreproachable and his character good. He was an acceptable pastor of one of the churches here, and was considered an upright, Christian gentleman.

Yours, truly,

CHAS. SPENCER.

D. R. BEARSS.

G. J. REED.

J. COLCLAZER.

J. A. FORGY, (New Waverly.)

C. R. QUICK.

JAS. N. TYNER.

JOS. M. BROWN.

J. Y. BALLOU.

JONAS HOOVER.

J. H. LAINE.

W. H. DENISTON.

B. S. MCCLINTIC.

HUNTSVILLE, ALABAMA, *October 12, 1871.*

JOSEPH GILL (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. My home is in Arkansas. I was up here last Wednesday week and started home, and Mr. Warwick stopped me and said I had to appear here; then Mr. Green came to me.

Question. What is your age?

Answer. Fifty-one on the 10th of March.

Question. Have you been whipped by the Ku-Klux?

Answer. Yes, sir; two hundred lashes, and shot at two times. Thank God, they didn't hit me.

Question. When was that?

Answer. In 1868. They broke me up and made me leave my home. They were bound to kill me, and I went to Arkansas.

Question. Where were you whipped?

Answer. On Briar Forks, Madison County.

Question. How many men came?

Answer. About twenty or twenty-five.

Question. Were they disguised?

Answer. Yes, sir; horses and all.

Question. What time of night was it?

Answer. About 12 o'clock at night.

Question. How many lashes did they administer to you?

Answer. There were three of them whipped me with a double strap, and when they hit me a hundred they felt of me and said "Get up."

Question. What was your offense for which they whipped you?

Answer. They said I fount the white men. They came to take my horse, but I kept them off of my horse. That was Tuesday evening, and Saturday night about midnight they came.

Question. What did they mean by your having fought white men?

Answer. Because I wouldn't let them take my horse.

Question. Had disguised men come to take your horse?

Answer. No, sir; they were not disguised.

Question. On what ground did they claim your horse?

Answer. They said they wanted him for a charger to ride to hell. I tell it to you just like they repeated it to me.

Question. Were you ever whipped at any other time?

Answer. No, sir.

Question. When were you shot?

Answer. They never shot me, but at me, about a month after that. I was trying to keep them from me. I thank God they didn't hit me.

Question. Were they disguised men?

Answer. Yes, sir.

Question. Was it in the day-time?

Answer. No, sir; at night.

Question. How many were there?

Answer. There was four of them.

Question. You say they were after your horse then?

Answer. Yes, sir, and swore they meant to have him. I had two of them.

Question. What did they want him for?

Answer. They said they wanted him for a charger to ride to hell. He was a mighty fine charger.

Question. To ride him in disguise?

Answer. To ride him to hell. They said they came from hell, and wanted to ride back to hell. They said they had couriers come from hell nine times a day, and they wanted that horse to toat them.

Question. Did they ever visit your house at any other time?

Answer. Yes, sir; a hundred and fifty and two hundred at a time.

Question. In what year?

Answer. In 1868 and 1869.

Question. What was the object of their visiting your house at these times?

Answer. After guns and money.

Question. Did they search your house for guns?

Answer. O, they busted my trunk all to pieces.

Question. Did they find any arms?

Answer. No, sir.

Question. They wanted money also?

Answer. Yes, sir.

Question. Did they find any money?

Answer. No, sir; we kept that out of the way.

Question. Did they do you any harm?

Answer. No, sir; nothing more than whipping me. That was the biggest harm they did.

Question. They whipped you once?

Answer. Only once, but shot at me after that. I know the men who done that.

Question. Are they living there yet?

Answer. They were living up here. Young Parks Townsend and Marion Burkes.

Question. Did they order you to leave the country at any time?

Answer. Yes, sir; they told me if I didn't leave they would take my life. When the woods got green they would get my horse and all.

Question. You left because of this threat?

Answer. Yes, sir; and went to Arkansas.

Question. How long did you stay?

Answer. I made two crops in Arkansas with this one.

Question. When did you come back?

Answer. It has been six weeks ago. I came back to collect some money for this property I had sold out.

Question. Do you know of any other colored men in that part of the county who were visited by the Ku-Klux?

Answer. No, sir; I don't.

Question. Were there many colored men living at Brier Fork?

Answer. O, yes, sir; a good many.

Question. Do you know any of them whose houses were visited to see if they had guns?

Answer. Yes, sir. On Mr. Walker's plantation I reckon at least thirty houses. They are in town now, living here.

Question. Did they have guns?

Answer. Yes, sir.

Question. Did the Ku-Klux take them away from them?

Answer. Yes, sir, guns and pistols.

Question. Did the Ku-Klux whip any of them?

Answer. No, sir; they beat one of the men over the head with a pistol.

Question. What was their object in gathering up all the guns?

Answer. I don't know.

Question. What became of the guns?

Answer. Those that were not of much account they just broke them around the stumps and trees, and good ones they took off.

Question. You say these men were all in disguise?

Answer. Yes, sir, horses and all.

Question. Can you describe the disguises?

Answer. Yes, sir.

Question. You may do it.

Answer. They had gowns on just like your overcoat, that came down to the toes, and some would be red and some black, like a lady's dress, only open before. The hats were made of paper, and about eighteen inches long, and at the top about as thick as your ankle; and down around the eyes it was bound around like horse-covers, and on the mouth there was hair of some description, I don't know what. It looked like a mustache, coming down to the breast, and you couldn't see none of the face, nor nothing; you couldn't see a thing of them.

Question. Did they have horns?

Answer. Some of them had horns about as long as my finger, and made black.

Question. Who did these men say they were?

Answer. They said they came from hell; that they died at Shiloh fight and Bull Run.

Question. What did they come here for?

Answer. They said they came back to give every man his rights.

Question. Did they have anything to say about radicals?

Answer. They throwed up the radical party to us a great deal; that we were damned radicals, and men that were in the Army they said were damned Yankees, and fought against them, and they wanted to give them justice.

Question. Did they say anything about the negroes voting?

Answer. Yes, sir; they said that if they come here to Huntsville, what they would do. They just rode plainly, like you are, and said that if they came and voted against them what would become of them; that they shouldn't live on the lands; they would drive them away, and this, that, and the other, and they might go to the Yankees.

Question. What did they say of the Yankees?

Answer. They didn't have much to say about them.

Question. Did they have anything to say about carpet-baggers?

Answer. Yes, sir.

Question. What?

Answer. They said these damned carpet-baggers were going through the country fooling us all.

Question. Did they say they were determined you colored should not vote?

Answer. Yes, sir; a thousand times; but we would override that. A great many voted, and a great many feared to and didn't.

Question. In what part of Arkansas have you been living?

Answer. Phillips County.

Question. Is it very peaceable there?

Answer. Just as quiet as a lamb, sir.

By Mr. BUCKLEY:

Question. Did you serve in the Union Army?

Answer. No, sir; I was with them. I traveled with them but was not a soldier, or anything of the kind. I went around with them, and waited on them for protection.

By Mr. RICE:

Question. Were you a slave before the war?

Answer. Yes, sir.

Question. In this State?

Answer. Yes, sir; in Madison County. No; I am too fast. In Morgan County, but all in this State. The river divided them—the Tennessee River.

By Mr. BLAIR:

Question. In what year was it that you were whipped on Brier Fork?

Answer. Eighteen hundred and sixty-eight.

Question. Were the men disguised?

Answer. Yes, sir.

Question. What were their names?

Answer. O, you are too hard for me, sir. I can't tell that. I couldn't see their faces to tell who they were.

Question. How many of them were there?

Answer. I think there was twenty or twenty-five that whipped me.

Question. You say you were shot at?

Answer. Yes, sir, five times; but, thank God, they didn't hit me. They hit my dog.

Question. When was that?

Answer. About a month afterward.

Question. Who else did you say shot at you?

Answer. Mr. Parks Townsend and Marion Burkes.

Question. Were they disguised?

Answer. Yes, sir; they were, horses and all.

Question. How did you recognize them? How did you know them?

Answer. When they were shooting at me I knew them by their faces; they threw the cloths up from their faces, and then I knew their voices. I lived with Mr. Townsend being near twelve months, and that was the next year.

Question. Where does Mr. Townsend live?

Answer. He lives out at what is called McDavid's old mill, about two miles from the line of Tennessee and this county, on the Fayetteville road.

Question. Marion Burke, where does he live?

Answer. He was living there, himself and his father. His father was a blacksmith.

Question. Are both of these men in this county now?

Answer. I don't know. I have been gone away from here you see.

Question. Were there any others with them at the time?

Answer. There was another gentleman with them, but I didn't know who he was. He staid back in the dark.

Question. Was it at night?

Answer. Yes, sir; about midnight Saturday night. They got some four or five guns that night, and broke two or three, and carried off a double-barreled gun belonging to Tom Anderson; and they told Mr. Walker's people that I was shot and in the bed, but, thank God, they didn't hit me; that's one blessing. I saved that shot, but they hit my dog. I was very thankful that they didn't hit me. They told at Mr. Walker's that I was shot—the colored population did.

Question. What Mr. Walker?

Answer. Mr. Pope Walker—the colored men living on his plantation. He is a lawyer, and lives in town here.

HUNTSVILLE, ALABAMA, *October 12, 1871.*

WILLIAM RICHARDSON sworn and examined.

The CHAIRMAN. As Mr. Richardson was called as a witness at the request of the minority of the committee, his examination may be conducted by you, General Blair.

By Mr. BLAIR :

Question. State how long you have lived in Alabama, Mr. Richardson.

Answer. Well, sir, I was born and reared in this State, in the adjoining county of Limestone.

Question. How old are you now?

Answer. I am thirty-two years old.

Question. What is your present occupation?

Answer. I am a lawyer.

Question. What county do you practice in?

Answer. The county of Madison.

Question. Were you in the army during the war?

Answer. I was, sir; in the confederate army.

Question. State, if you please, whether, prior to the breaking out of the war, you took any side in the controversy.

Answer. I had just graduated at college about the time that the excitement broke out relative to the war. I came back home, and was then quite a young man. I did take quite an active part at that day and time, and indorsed and adopted the prevailing Union sentiments of North Alabama. That was the guiding influence of my life, and as such a young man, full of all that impetus and impulse that young men had at that time, I heartily indorsed what was called the co-operation, or Union view of the matter. I was very much opposed to the secession of the State of Alabama, and did not approve the plan by which it was done. I thought it would be voted down if submitted to the people; looked upon the manner in which it was conducted as a great wrong upon the rights of the people of this State, and I so considered the vote on the ordinance of secession. After the State seceded there was a great deal of bitterness in my county of Limestone upon the question of the policy of secession. I was among those who were advocates of co-operation for the purpose of preventing secession. I was very young, and knew but little about politics, but I imbibed the principles and views of my father upon that subject, and doubtless was a great deal less prudent on the subject than he was. I remember distinctly, as an evidence of my own participation in the matter, to have made a Union speech, sir.

Question. On what occasion?

Answer. On the 22d of February, on Washington's birthday. The State of Alabama, I think, seceded on the 11th of January. I made that speech on the 22d of February, Washington's birthday, at the instance of a good many men in the community, who entertained the same sentiments and views that I did, while there were a great many who were opposed to those views. I did it rather as a mouthpiece of that sentiment there. I was quite a young man, as I stated before, but possessed of all the ardor and impetus that young men had at that time, and I dared to make it. I made it in the Presbyterian Church at Athens. I have got that speech yet, sir.

Question. Was the prevailing sentiment in your county, or county town, in favor of the Union?

Answer. I think it was decidedly so.

Question. At that time?

Answer. At that time decidedly in favor of it. Now, the county voted for Mr. Breckinridge; Bell and Douglas presented the co-operation ticket; it voted for Mr. Breckinridge; but that was no evidence that they were in favor of secession, for a great many who voted for Breckinridge were afterward Union men, while many leading

men in favor of Mr. Breckinridge were afterward secessionists. The feeling was very bitter over in that county, as it was in North Alabama generally; but especially in Limestone County. As a further evidence of the sentiment, I aided and assisted in putting up the United States flag on the court-house of Athens. I suppose that was three months after the State of Alabama had seceded—at least it was between two and three months, to the best of my recollection. There was a party of us who did it; I have forgotten, but my best recollection is that there were about eleven of us who put that flag up on the court-house in Athens. I didn't go up to the cupola myself; there was a young man who was more agile and expert in matters of that kind, who ascended to the top of the cupola and put the flag out; we protected him in doing it; it staid there for two or three weeks. There were a good many threats made about taking it down, but we resolved that it should not be taken down, and when it was taken down we took it down ourselves.

Question. As a matter of prudence?

Answer. Yes, sir; as a matter of prudence; to keep from disturbances in the community, we took that flag down ourselves; it staid there for two or three weeks.

Question. You subsequently followed the fortunes of your State?

Answer. I did, sir; and I think every young man who put that flag up did.

Question. Went into the confederate army?

Answer. Yes, sir.

Question. And served through the war?

Answer. I served until the battle of Chickamauga, where I was disabled by a broken limb, and was discharged from the army, and never went back. I was on crutches when the war ceased.

Question. Have you resided in this State since the war?

Answer. I have, since 1867, in this county. In 1865 I was elected to the legislature of Alabama from Limestone County; at the expiration of that year moved to this place.

Question. You were elected under Mr. Johnson's policy?

Answer. Yes, sir; under the reconstruction policy of Mr. Johnson.

Question. State, Mr. Richardson, the condition of affairs in this and the neighboring counties with which you are now acquainted.

Answer. My opinion, and it is based upon my circulation through these counties, and especially the lower district, of which Major Sloss is the Representative, in which I attend court—

Question. In what counties do you attend court?

Answer. I attend court every time in Limestone County; I frequently attend courts in Colbert, Lawrence, and Morgan Counties—both the circuit and county courts. From my observation in those counties, I believe that the people, though they do not indorse and approve heartily the laws that have been made in many instances, yet there is a general disposition on their part to obey them, as far as I have observed. There is a general disposition to obey the laws, however unpleasant and disagreeable in some instances our State and Federal laws are, according to our sentiments. I know very well that an act of our legislature has created a great deal of dissatisfaction throughout North Alabama. That act relates to what is known as the Ku-Klux organization in this State.

By Mr. BUCKLEY:

Question. Do you mean the act passed December 26, 1868?

Answer. I can't recollect the date of it now. It is the act which pronounced every man found in disguise a felon and an outlaw, and which gave any man the right to shoot him down. That is the sum and substance of it, according to my recollection. He is declared an outlaw when found in disguise. That law has created dissatisfaction for this reason. At the same time, I think it is that act that gives the party injured the right to come forward and sue the county for damages. The people, generally, look upon it in this way; that the men who are committing outrages in this country are highwaymen and robbers; that they are identified with no political parties; that they are merely seeking their own selfish ends and views, trying to accomplish them and nothing else; and for that reason the people do not think they ought to be held responsible pecuniarily, in damages, for the acts of such men. They do not consider it at all as being political in any respect. That is my observation, and that is my opinion.

By Mr. BLAIR:

Question. Are the laws executed promptly and efficiently in the counties in which you practice?

Answer. No, sir.

Question. For what reason?

Answer. I can speak more knowingly for the county in which I live now, Madison County. The sheriff of this county, who is Joseph T. Doyle, I consider utterly inefficient. He is not the sheriff now, because he was required to give additional bond and

security by the grand jury, and was unable to do so and resigned. I understood—whether true or not I can't state—that the government was going to take steps for his removal; but he resigned when the grand jury required him to give bonds. Mr. Doyle was an intemperate man. In addition to being intemperate, he was a very timid man. I have heard of disturbances in this county where I thought, and other citizens thought, it was his duty to summon a posse and go and arrest the perpetrators. He would never go out of the corporate limits of this town when such things as these were afloat. He would not go out at all; he was afraid to go, and he said he was afraid to go.

Question. When was he elected sheriff?

Answer. He was elected sheriff at the time that the constitution of this State was voted on.

Question. And rejected by the people?

Answer. And rejected by the people; so reported by General Meade, I believe, who was then probably in command; I think it was General Meade thought it had been rejected, and reported it was rejected by such a number of votes. I don't know whether I am mistaken or not as to whether it was General Meade who was then in command of this military department.

Question. I believe you are correct about that. The act of Congress required a majority of the registered voters.

Answer. Yes, sir; the policy of our people was not to vote, in order to keep a majority of the registered voters from appearing as having voted.

Question. I understand that Mr. Doyle was voted for at that election for sheriff, and elected in the absence of the democratic vote?

Answer. Yes, sir; that is my recollection, that Doyle was elected at that time. That constitution was voted down by the people, and it was afterward declared to be the law of the land, and in that declaration these officers were put upon the people.

Question. Were any of the officers elected at that time in your county inefficient?

Answer. Well, I looked upon the probate judge of this county as being, at the time he went into office, incapacitated for discharging the duties of that office, for the reason that he had never, from my observation of him, studied law. He had been a sash and blind maker in this corporation. I don't think he was a man qualified to administer the affairs of the probate judge's office, through which office all the property of the county would pass—wards, administrations, the business of executors, &c. I don't think he was qualified, though I must say, in justice to him, that the office of probate judge, so far as it refers to the books, dockets, and papers of every kind, is kept well, and we find no difficulty when we go in there as lawyers in finding records or papers. In that respect the office is very well kept, but I did not consider and do not yet consider him a man qualified to pass upon legal points that are presented to him.

Question. Except as you have stated, the inefficiency of the officers, what has been the condition of the country; are there any reasons which have led to disturbances in your midst?

Answer. I consider the character of the men holding office in this county and in the adjoining counties as having been an irritating cause creating dissatisfaction among our people. As a general thing they were complete and entire strangers to our people; they were not identified with us in our interests nor in our sympathies. That gave the people great dissatisfaction. In addition to that, they thought that these officers had been imposed upon them unjustly and improperly.

Question. By the act of Congress?

Answer. By act of Congress. But notwithstanding the fact that they believed these men were inimical to their interests as a general thing, that they were unfriendly to them in sympathy, the people have shown, in my opinion, a general disposition to abide by what the laws were, and treat those men who are in office with that kind of courtesy and consideration which men filling these offices are entitled to. They were disposed to obey the law, and to do the best they could under the circumstances, hoping that a better time would come, and to put down these disturbances which I know have occurred in some of these counties.

Question. What was the origin of those disturbances that you speak of?

Answer. So far as my knowledge goes, General, these disturbances have originated in neighborhood feuds. They have originated in a recollection of wrongs and of rumors and tales that were told upon each other in neighborhoods during the war to a very great extent. Now I hear of a difficulty down in Limestone County, where I am very well acquainted, in which I am satisfied that it wasn't at all political, for the reason that I was well acquainted with the parties.

By Mr. BUCKLEY:

Question. What case was that?

Answer. That was the case of old man Weir and his treatment by Moore, and Blair, and Gibson, and some others whose names I can't now recollect. I don't think, from

what I have heard of that, and what I know of the parties, that there is anything political in it whatever.

By Mr. BLAIR:

Question. You think it grew out of personal feuds between the parties?

Answer. Yes, sir; neighborhood animosities and bickerings.

Question. Do you know anything of the organization in this region of country soon after the war of what was called the Loyal Leagues?

Answer. Yes, sir.

Question. Give us some idea of what those organizations were.

Answer. All that I can tell you of the organization of the Loyal League is from what I heard; nothing that I know of my own personal knowledge. I know, to the best of my information and belief, that such an organization existed here in this country. It was publicly declared. We knew its president; I did in Limestone County. He was Daniel H. Bingham. He was said to be, or acknowledged to be, the president of the Loyal League. I was better acquainted in Limestone County than I am in this. I remember that they used to meet in an old drug-store on the corner of the square in Athens; that was in '66; they would meet once a week. At that time they met in the day. I could see them going up into the house. I remember a disturbance that took place when they met there. It was created by a negro, whose name I have now forgotten, out on the streets, just before he went up into the Loyal League room. The cause of the disturbance was that some white man was remonstrating with him about going into that League, and secretly engaging in political matters. It was just merely a remonstrance, but a fuss ensued. I don't know how it occurred, but a difficulty ensued; some blows passed, and there was a good deal of excitement created.

Question. What was understood to be the object of those Leagues?

Answer. The object was, so far as I understood, to get the colored people into them, and instill into them animosity and prejudice against the native southern white people. That's what I understood to be the object of the Leagues, and to thereby insure their votes for the radical party.

By the CHAIRMAN:

Question. Instill animosity and prejudice against whom?

Answer. Against the native southern white people; that was what we understood here to be the object of the Loyal League.

By Mr. BLAIR:

Question. Is that the general understanding among the people?

Answer. That's what I believe to be the general understanding; that was the manner in which we accepted it.

Question. Was there any attempt, and if so what, on the part of the white people to organize themselves to resist this movement; did it lead to similar organizations on their part?

Answer. Well, I have always believed that the Loyal League was the parent of the Ku-Klux organization; and from what I could hear of the Ku-Klux organization, and from what I knew of it from young men, it was formed and organized for the purpose of being a check upon the Loyal League; at least that is what it was accepted as in this community, as being a check upon the Loyal League, and as being a terror to evil-doers, whoever they might be.

Question. Were there any outrages instigated by this Loyal League, and committed by them, to your knowledge or information?

Answer. Do you mean by that, violence to the person of any individual?

Question. Yes; or violence or outrages to property, or disorder of any kind?

Answer. I heard of no violence that I now recollect of perpetrated by any one belonging to the Loyal League, which was charged as an outrage committed by such an individual because he was a member of the Loyal League. I heard of no such violence.

Question. Was there any collision between these organizations, do you recollect?

Answer. Between the Loyal League and the organization known as the Ku-Klux?

Question. Yes, sir.

Answer. Well, sir, there was a collision here in this town in 1868; I think it was in the latter part of October.

Question. Known as the riot?

Answer. Known as the riot in this town in 1868; if I remember correctly it was just preceding the election.

Question. Were you here at that time?

Answer. I was.

Question. Did you see it?

Answer. I did.

Question. State what you know in reference to the origin and the circumstances at-

tending it, as well from your own knowledge of what came under your own observation as what was subsequently developed in testimony.

Answer. You just wish me to give an account of that disturbance that night?

Question. To give an account of it.

Answer. I was attending a performance—

Question. Give also your views of its origin.

Answer. Well, with a view of its origin, I will commence then with that first. It occurred on Saturday night, according to my best recollection; on Saturday there was a large meeting held in the court-house yard. There were a great many colored people attending that meeting. C. C. Sheets, then from Decatur, was one of the principal speakers. I remember to have been standing in one of the lower rooms of the court-house building. The platform was erected on the east side of the court-house, and I heard Mr. Sheets state to the colored people that he had been interfered with a few nights before that in Florence by the Ku-Klux, and that he had promised them then that he would not make the abusive and inflammatory speeches that he had been making before that. That is, in substance, what he said. I can't assume to state his words. He said that he had promised the Ku-Klux that he would not make such a speech, but having got up here where there are so many colored people he wasn't afraid to say what he pleased, and that if the colored people would do what it became them as men to do, they would carry with them weapons and shoot down these men wherever they found them; that the reason the Ku-Klux paraded the country was because the negroes were weak-kneed, or words to that effect; that was the idea. He made that day a very inflammatory speech, and one that aroused the negroes very much and seemed to appeal to their passions as much as any speech I have ever heard made in this country. The negroes were very much excited under this speech; they remained here during the day, large numbers of them, and at night there was a meeting held in this court-room. I remember that in going to tea to the Huntsville Hotel, where I boarded, I met—I can't say how many—but numbers of negroes, coming to that meeting with guns. They carried them not concealed at all, and there was a great deal of excitement among the negroes throughout the town. After I got my supper I went to a performance at the Thespian Hall. During the performance the announcement was made that the Ku-Klux were coming in. I came out of the hall and came up right opposite here, at the northeast corner of the square, by the Moore building, at the head of Washington street. I was standing there when the Ku-Klux came around. I suppose there were one hundred and twenty-five to one hundred and fifty of them. Many men estimated them as a great many more than that, but I don't think there was more than one hundred and twenty-five to one hundred and fifty. They passed around very quietly, because there was but little noise when they passed around. They passed down the same street they came up, going on down toward the market-house, northward. The rear of the column had reached nearly to the market-house, when I discovered that a great many of these colored people had left this meeting and were out near the court-house gate, and some in the street; I was standing leaning against a post at this corner of the Moore block when, I suppose, twenty-five or fifty colored people were passing down behind me, following the column; I took hold of one of the negro men; put my hands on him; he had a repeater in his hand; I didn't know his name; the moon was shining bright; I said to him, "Put up that pistol; don't go after those men, because you will create a disturbance in the community." I hadn't more than said that before there was a shot from the court-house gate, and after that repeated shots; I don't know how many were fired; I stepped behind the Moore block to protect myself, and there were several shots fired; I am satisfied, from my own observation, that the first shot came from some colored people within the court-house yard; I afterward, at the request of a lieutenant or a captain stationed here, belonging to the command then here under command of General Ruger—that is, I understand that the request came from General Ruger, that I should take the testimony of citizens, who observed and saw this riot, in order to find out the truth of it—I took the testimony; all of it; I took the testimony of, I reckon, at least from thirty-five to fifty witnesses, in my law-office, on the subject of this riot, both colored men and white men. The decided preponderance of that testimony conclusively showed, to my own mind, as did my observation, that the first shot was fired from the colored people within the court-house yard; at least it was fired from a mass of people gathered there; whether it was by a white man or a colored man I couldn't say, nor could the witnesses; it came, however, from the court-house yard; that Ku-Klux organization, or procession of men, I think, didn't fire a shot that night, sir; I know this from the testimony that was adduced there before me, and it was sworn to; several witnesses swore that before this organization or procession came into town, there were a good many colored men, alleged to have been headed by one Charles Hale, went out to the edge of town to meet the Ku-Klux organization before they reached here at all; they went nearly half a mile from town to meet them; they saw them coming, and when they saw them coming they took fright and came back

to the court-house; the negroes didn't fire upon them when they came in at all; not when they first came in.

Question. Did the Ku-Klux fire at all?

Answer. I am satisfied that they did not while I saw them, and I saw them from the time they entered the square until they left, and I had conversation with them after the riot was over.

Question. Was there any testimony taken before you that showed that the Ku-Klux had fired any of the shots?

Answer. There was not a particle; if I am not mistaken, and I don't think I am, I heard General Ruger state that he observed these men from his window in the hotel where he was boarding, and that he was satisfied that they never did fire a shot.

Question. Then they simply paraded around the square?

Answer. Nothing else in the world; and there were various expressions during that meeting there that day, that these men of the Ku-Klux organization were afraid to come in here.

Question. Was there any person injured by this firing?

Answer. Yes, sir; there were four or five persons injured, wounded, and, I believe, two killed.

Question. Then the firing took place among persons who were mingled together in the crowd around the court-house and streets?

Answer. It was just promiscuous out there in the streets and court-house yard; they seemed to be firing at random—just random shots; who was firing I couldn't tell.

Question. Who was killed?

Answer. Well, sir, I have forgotten.

Question. There was a Judge Thurlow, was there not?

Answer. O, yes; you refresh my memory; Judge Silas Thurlow, of Limestone County, was killed; he was shot at this north gate here.

Question. Was there any evidence showing by whom he was shot?

Answer. None at all, sir.

Question. Was there a man by the name of Cox shot?

Answer. Yes, sir; William W. Cox was shot, somewhere in the head; I have forgotten where; there was a negro named Roper shot, and a negro by the name of Martin shot, and then there was a negro killed, whose name I have forgotten.

Question. This man Cox was a conservative, or democrat, was he not?

Answer. Yes, sir; a democrat.

Question. Judge Thurlow was a republican?

Answer. Yes, sir.

Question. Was Cox killed?

Answer. No, sir; Cox was very badly shot.

Question. Who shot him?

Answer. Well, sir, I don't know.

Question. Do you know of the testimony implicating any one?

Answer. Not at all.

Question. Was there any testimony going to designate any person as having shot any of those negroes?

Answer. None at all.

Question. No person identified?

Answer. No person was identified, either in that testimony or afterward in the courts, where parties were indicted.

Question. It was subsequently examined in the courts?

Answer. Yes, sir; and the indictments were *nol. prosequi*.

Question. All of them?

Answer. Yes, sir; all parties charged; black and white.

Question. As to that testimony, I want you to state as distinctly and succinctly as you can what persons or class of persons were indicated as having commenced this shooting.

Answer. My recollection of that testimony is, and there was a mass of it, that it all tended to show that the firing began within the court-house yard, near the gate. As I said before, there was a meeting being held up here in this court-room, and I had noticed when the Ku-Klux organization passed around the court-house yard that the colored people followed them around the court-house as they passed on around, keeping with them from curiosity or something else; I couldn't tell what. But evidently everybody was apprehensive of a difficulty. As the Ku-Klux passed off down the street to the northeast, after passing by the east side of the court-house, the first shot was fired, and I know it came from the east side of the court-house where a great many negroes were assembled, and there were white people among them too, because there were white republicans attending that meeting.

Question. The people in attendance upon that meeting poured out of the court-house?

Answer. Yes, sir.

Question. And came from that exit, from this hall, and poured around the building?

Answer. They came around the building as the Ku-Klux passed around the square, and they made a general halt on the east side of the court-house and they there stopped. From that point I heard the first shot fired.

Question. Was Cox shot there?

Answer. Cox was shot out in the street, near that gate.

Question. Were there many persons, citizens, congregated on the other side of the street?

Answer. Yes, sir; all around the square; there was a large number of citizens all around the square.

Question. How many persons do you suppose were in the street and around the square?

Answer. I should think, and it is a mere matter of opinion as to a crowd, on which people will differ, but I should say there were at least a thousand white people around the square looking at that organization passing around.

Question. How many negroes?

Answer. Well, sir, there were from a thousand to fifteen hundred, just to make a rough guess.

Question. This testimony, which you reduced to writing at the request of an officer of the Army, was forwarded to the headquarters of General Ruger?

Answer. I turned it over to that officer. I can't recollect the officer's name because I wasn't acquainted with him. He left the post soon after that, but I gave him that testimony, and if I recollect right he said he forwarded it to Georgia.

Question. To the headquarters?

Answer. Yes, sir; that's what he told me he was going to do.

Question. State, if you please, if there is, in your opinion, any such thing as Ku-Klux in this county at this time.

Answer. I think not, general. I am confident that there is no such organization.

Question. Is there any difficulty here in executing the law?

Answer. None at all.

Question. Have any of these Ku-Klux been prosecuted here?

Answer. Yes, sir; there have been prosecutions instituted here against men charged with being Ku-Klux. In the United States court there have been several prosecutions.

Question. For acts committed recently?

Answer. Yes, sir.

Question. Any convictions obtained?

Answer. No, sir.

Question. Mr. Nicholas Davis stated in his testimony that he prosecuted certain parties that were held to bail, and that the officers took insufficient bail for them. Do you recollect that case?

Answer. I remember to have heard Mr. Davis say something about such a case.

Question. He stated it himself. I did not know but what you knew of it.

Answer. No, sir; I don't remember any of the circumstances connected with it at all. I remember to have appeared here in a case against two young men; I defended them. They were charged with being Ku-Klux—young Martin, and the other defendant, whose name I have forgotten. The charge was made by one Pryor Turner. The investigation took place before Robert W. Wilson, and W. B. Figures, a justice of the peace, in this room. Mr. Figures is well known in this community as to his political sentiments. He is the editor of the Advocate.

Question. A radical paper?

Answer. A radical paper, thoroughly republican in all of his sentiments; and he pronounced these men innocent, and discharged them. Then there were several other cases that I have heard of. I would like to state, general, I stated that I had a conversation with that procession of men after that riot was over. It might seem, from that, that I had some identification with that organization. I never belonged to any Ku-Klux organization, though I have had applications to join them; I never joined any such organization, because I was opposed to them. I didn't think it was right. I didn't like secrecy about anything, about any organization, and I thought it would result in evil. After that riot was over, there was a knot of us young men gathered out on the corner of the street. The Ku-Klux were down Washington street drawn up in line of battle, as well as I could discover, from my position. I thought, and so did others standing there, that they were coming back in the square. I remember having proposed to the crowd, generally, that we go down and see them, and advise them to leave the square, and not come back; that they would get into collision with the negroes and create a disturbance. I was afraid they would create a disturbance on the square, and I proposed to the crowd that some of us go down there and see them. I went myself to that procession, and there I discovered a man who, from his appearance, being outside of the line, I took to be an officer, or in command. I walked up to him and told him I wanted a conversation with him. I had no idea who he was, and I don't know now who he was. I told him I thought it was very imprudent and indis-

creet for his company to go back on that square; that it would result in bloodshed and create a great deal of disturbance, and our people would be visited with punishment. That was the idea or the substance of what I told him, and that I thought he ought to leave the town. He remarked to me that he would take my advice. I further told him that the United States commander, General Ruger, had ordered a company to come in, and that there would be an unfortunate disturbance, and he ought to leave town. He turned immediately and said, "We don't want to create a disturbance. We are not here for a disturbance, unless we are attacked." That's what he said to me, and rode off, and I never heard anything more of the Ku-Klux; they left.

Question. Do you know a negro man named Joe Gill?

Answer. I do not, by that name. He may have an alias.

Question. Do you know a man by the name of Parks Townsend, and another named Marion Burks?

Answer. I know a man by reputation of the name of Parks Townsend; I don't know him personally.

Question. Where does he live?

Answer. I can't say in what part of this county he lives, because I do not know.

Question. Is he a man of reputation, or what is his character?

Answer. Well, sir, if there is anything against his character I have not heard it.

Question. Do you know a man by the name of Shapard, who testified before this committee yesterday?

Answer. I do not.

Question. Did you ever practice in Blount County?

Answer. I never did. I do not know Shapard personally; I have heard of him as a man.

Question. Do you know his reputation?

Answer. Well, sir, to a very limited extent.

Question. I wish you to state now to the committee whether you consider that the public sentiment in this portion of the country is in favor of executing the laws and maintaining the peace and the quiet of the community against all organizations of whatever character and description.

Answer. I believe that the people generally of those counties in North Alabama where I have been are decidedly and unqualifiedly in favor of the execution of the law, and especially for the suppression of all outrages and the arrest of all perpetrators of violence.

Question. How long has this been the condition of affairs here in this part of the State of which you speak?

Answer. Well, I think, in answer to that question, I can say that the people have been more disposed for the last eighteen months to see the law enforced than they had been at any time since the surrender—decidedly more disposed to have the law enforced, and to see it rigidly executed, because it was to their own interest and protection that it should be.

Question. Has the fact that the people of Alabama have rescued the control of their affairs from the persons who were imposed upon them under the act of Congress been the cause of the restoration of peace and good order and tranquillity?

Answer. I think that the election of Robert B. Lindsay, as governor of this State, has done a great deal to give satisfaction to the people; it has added greatly to their disposition to maintain law and order.

Question. Do you believe that much of the disorder and turbulence in the State arose from the fact that the people of the State had a constitution and officers imposed upon them in violation of the first act of Congress—the reconstruction act of Congress? Do you believe that that gave rise to much of the turbulence?

Answer. I know that it did; because the people were restless, impatient, and greatly dissatisfied, by reason of that constitution being imposed upon them in the way that it was done, and from that flowed a great deal of the turbulence in this State.

Question. Do you believe that a complete restoration of their rights as citizens to those who are now under disabilities, and the complete restoration of local self-government, would restore entire peace and tranquillity to these people?

Answer. My own opinion of that is that, if a general bill of amnesty was passed by the Congress of the United States, it would do more to arouse the dormant feeling of affection for the Union in this State than anything else that could be done; that it would do more to create harmony, and to rub out and obliterate the animosities and prejudices that have sprung up and been created by the war, than anything else that could be done.

Question. Do the people regard the disqualification of their ablest men by the fourteenth amendment for all public service as a great hardship to them?

Answer. They do; they look upon it as being a great privation to them that the men who are the most experienced in political matters, many of them the ablest men in our State, are unable to hold office.

Question. Do they think they are deprived of the benefit of their experience and judgment?

Answer. Yes, sir; being deprived of that, they feel that it is a great hardship upon them.

By the CHAIRMAN:

Question. You spoke of having made a Union speech on the 22d of February, 1861, after Alabama had seceded, and again, subsequently, to that, in company with others, of having put up the flag of the United States on the court-house at Athens. What induced you, subsequently to your then condition of feeling, to enter the confederate army?

Answer. The speech that I made on the 22d day of February, being the birthday of Washington, was made at the instance, as I believe I stated before, of many of my friends, who agreed with me in the sentiments that I expressed in that speech, which were in favor of the Union and its preservation. I afterward entered the army as a confederate soldier, freely and from my own choice, for the reason that it had then become a question whether I should side with my own people or whether I should fight in the Army of the United States. Upon that question I had no hesitancy whatever. As long as there was a possibility, so far as my then limited intelligence in political matters could discern, of the Union being preserved and kept together, entertaining merely the sentiments of my father—having his views reflected upon me—I was for its preservation and maintenance. I went into the confederate army because it had become an actual and real fact that there was no Union, so far as Alabama was concerned; that it was gone, and that I either had to go up North or stay South; the latter I had no hesitancy in doing.

Question. Were you then in favor of the maintenance of the Union, if possible, at the time you entered the confederate army?

Answer. At the time that I went into the confederate army, which was after the call that Mr. Lincoln made for 75,000 troops, my feelings upon that subject had changed; there had been an entire change in my feelings upon that subject after that call for 75,000 troops.

Question. You were, then, no longer in favor of maintaining the Union, I understand?

Answer. I was in favor, Senator, of abiding by my State then, following her destiny.

Question. Your State at that time had seceded?

Answer. It had gone out on the 11th day of January.

By Mr. BUCKLEY:

Question. Had it seceded when you made the speech in February?

Answer. It had seceded; there was a strong sentiment at that time in North Alabama, that North Alabama should join Tennessee.

Question. So you still had hopes that the State might be retained, or a portion of it, when you made that speech?

Answer. Yes, sir; we still had hopes that the ordinance of secession would be submitted to the people, and we would have a vote on it.

By the CHAIRMAN:

Question. I that case, I understand from your expressed sentiments, you would have voted against secession?

Answer. Unquestionably.

Question. Did you not regard the call of Mr. Lincoln for 75,000 troops as a constitutional duty imposed upon him to maintain and protect the Union.

Answer. I did not, for this reason, that I thought compulsion toward the wayward and erring sisters was the worst policy that could be pursued; and that expediency should have rather become the wisdom of the President than an actual execution of the law.

Question. Was he not expressly authorized by an old act of Congress to make that call which was recited in his proclamation?

Answer. My recollection of that call is, that it recited the authority under which he acted in making the call.

Question. Did you ever examine that authority?

Answer. I never did, that I now remember of.

Question. You are satisfied that such a law exists, are you not, justifying this call?

Answer. I have no reason to believe that it does not exist.

Question. The whole purpose of that call was to put down this insurrection in the Southern States, was it not?

Answer. Yes, sir.

Question. Did you not regard it as his duty, as the chief magistrate, sworn to execute the laws, to make that call? Did you suppose he had any discretion in the matter?

Answer. I regarded it in this way—if I can recall my impressions upon that subject—that it was more sacredly the duty of the President of the United States to do all things that lay in his power to preserve and maintain the Union, and that in the preservation

and maintenance of the Union, if he could still reclaim the affections and the interest and the good wishes of the people of the Southern country, that in that way he would better maintain the Union; and I looked upon the call for 75,000 troops as having an irritating and exasperating tendency among the people, and likely to carry a great many men who were in sympathy with the Union, and partial to its maintenance, under the storm of feeling into that channel in which they did not want to go.

Question. Will you please state what other method, known to the law, Mr. Lincoln had of putting down this insurrection, except calling upon the people of this country to aid him in putting it down?

Answer. Well, sir, my own opinion about that is just simply this: that if Alabama, for instance, had been let alone, even after she seceded, and no war had been waged on her, she would have been back in the Union in six months.

Question. What evidence have you of that?

Answer. I have that evidence to my own mind, that the majority of the people of Alabama were in favor of the Union, and that they were overawed and trampled down by reason of votes that were cast at the convention which voted her out of the Union, which did not represent the sentiments of the people, and if they had had an opportunity to have voted on that ordinance of secession, the people would have voted it down. That is why I believe, if Alabama had been let alone, and she had not been disturbed, and thereby the passions of her people aroused, which is more strongly done when blood is shed than under any other circumstances, she would have been back in the Union in six months.

Question. All this is a mere matter of speculation, is it not?

Answer. All matter of opinion on my part, of what I believe the sentiments of the people were.

By Mr. BUCKLEY:

Question. If the secession element in this State was so strong as to bring about a refusal in the convention to submit the ordinance of secession to the people, do you not think it would have been strong enough also to have prevented the Union element from casting a majority of votes against secession, if the ordinance had been submitted?

Answer. Then, if that had been the case, the fight or struggle, instead of being with the friends of the Union, would have been in Alabama, against the men who were fighting to throttle us.

Question. Was it not a fact that when the convention met in 1861, a majority, when it first assembled, was in favor of the Union?

Answer. Let me understand that question.

Question. I will ask it again: When the convention met, was not a majority of it in favor of maintaining the Union; the convention of 1861, I mean, which passed the ordinance of secession?

Answer. I have understood from gentlemen who were members of that convention, from North Alabama, that the majority of delegates in that convention, when they first assembled, were in favor of the maintenance of the Union, and opposed to the passage of the ordinance of secession; that when Hon. Jeremiah Clemens, who represented Madison County in that convention, being a leading man in North Alabama, having once been Alabama's Senator, and who, being a leading Union man, was looked to by the people as being a representative man of the Union people of that convention, of the co-operation people; when he changed and went over in favor of the ordinance of secession, there was a great burst of indignation throughout this county and throughout North Alabama, because it was said that Clemens had sold out.

Question. Did not your fellow-townsmen, Mr. Davis, first oppose the ordinance of secession and then vote for it?

Answer. He did.

Question. Was it not a fact that the delegate elected from Jackson County here was kept out of the convention entirely, until after that ordinance was passed?

Answer. That I do not know.

Question. Then it is a fact that, although the majority of that convention was at first against secession, they finally passed the ordinance of secession?

Answer. They finally passed the ordinance of secession, attributable, in my opinion, to Jeremiah Clemens, and no one else in this State.

Question. I am only asking for the fact?

Answer. That is the fact.

Question. And that convention afterwards refused to submit the ordinance of secession to the people of Alabama?

Answer. They did.

By the CHAIRMAN:

Question. Were any steps taken by the people of Alabama to overrule the decision of that convention after it had dissolved?

Answer. No, sir.

Question. What means have you, then, of knowing that there was not an acquiescence on the part of the majority of the people of Alabama in the ordinance of secession?

Answer. My means of believing I can state: that it is a mere matter of opinion, of course, Senator, that I think so, because I was no politician, and my opinion was obtained mostly from the leading men of my own county, as Thomas J. McClellan, who was a member of that convention. The vote given for Douglas and Bell was always considered the Union vote. I do not now remember what was the combined vote of Douglas and Bell, but that was a basis we generally made when we summed up the Union strength of the State—the opposition that would have been made to secession. Whether that combined vote was more than that for Breckinridge, or not, I cannot state; but we had every reason to believe it, and you will find now, among the co-operation men of this State—of North Alabama particularly—that they all believed that that ordinance would have been voted down, had it been submitted to the people. I believe, in Limestone County, where I then lived, that it would have been voted down by seven men out of ten.

Question. I have a statement here, Mr. Richardson, of the vote of Alabama at the presidential election of 1860, in which it is stated that the vote for the Breckinridge ticket was 48,831; for the Union, or Bell and Everett ticket, 27,875; for the Douglas ticket, 13,651, showing a majority over both the other tickets in favor of the Breckinridge ticket. Is this your recollection of the condition of the vote that year?

Answer. Since you have read that it refreshes my memory on that subject, and it is my opinion that it is correct; and, as I stated before in my testimony, a great many men in my county voted for Mr. Breckinridge as the presidential candidate, who were afterwards strong Union men; they did not consider voting for Mr. Breckinridge as identifying them with the secession movement, and, for that reason, I think that, although the State went for Breckinridge, it might have been in other counties like it was in my own.

Question. Was not that Breckinridge ticket regarded as the disunion ticket?

Answer. I believe that by the leading men of the State it was, and that it was intended as a disunion ticket, but I do not believe it was so regarded by the mass of the people.

Question. You spoke about the United States flag put up by you on the court-house. Is the flag of the United States now displayed throughout Limestone and Madison, and other counties in this part of the State; if so, upon what occasions?

Answer. I have seen the flag displayed in North Alabama since the war on different occasions. I have seen it here, in the celebration of the Proclamation of Emancipation by President Lincoln.

Question. Was it displayed by the colored people?

Answer. By the colored people.

Question. I mean have you seen it displayed by that portion of your people who went into the war?

Answer. I saw in this court-house yard, in the presidential campaign of 1868, a platform beautifully decorated with the United States flag; it was a large democratic meeting.

Question. Any other occasion that you remember?

Answer. It occurs to me that in a large meeting in Colbert County, at which the Hon. Albert Pike was the principal democratic speaker, the United States flag was displayed; I think that it was—about that I am not positive.

Question. Any other instances that occur to you?

Answer. I cannot recollect any other now, sir.

Question. As an emblem of the Union, and of the sovereignty of the United States, is not the flag now regarded odiously by those who went into the rebellion, and by those who sympathized with the rebellion?

Answer. (After a pause.) Well, sir, the reason that I hesitate, or seem to hesitate, in the answer to that question is simply to collect clearly and distinctly my impressions and thoughts on that subject; and I answer by saying that I do not think that the flag is now considered odious by the great majority of the people from this section of the country who went into the confederate army, as the emblem of the sovereignty of the United States and the authority of the Union.

Question. Do you think it is greeted as affectionately as it was before the war?

Answer. I do not think that it is welcomed with the same earnestness and intensity of zeal and affection now that it was before the war, for the reason that there were a great many things done under that flag to people who were true to it at the beginning of the war, who did not think that they were entitled to the wrongs that were perpetrated upon them. For that reason many people in this country do not look upon it with the same zeal and affection that they used once to do.

Question. Is it not regarded now by a great many people of Alabama as the badge of oppression?

Answer. I do not believe the people look upon the flag as a badge of oppression or as an emblem of tyranny; they think that a great many things have been done by the Government and by Congress punishing them more severely than they deserved; but to take the flag as the representative of the nation, and as the representative of the people, and the emblem of the United States, I do not think they attach any odium to it.

Question. It was very much hated during the war, was it not?

Answer. Well, sir, while the passions of men were aroused, and blood was being shed, and that awful and unfortunate struggle was going on, I believe that it was.

Question. When did their love for the flag return?

Answer. After General Lee surrendered at Appomattox and we saw it was a useless and vain struggle, then the people, so far as my knowledge goes, considered that it was the part of wisdom and to their interest, as citizens of the Government, to make the very best they could of the results of the war, and to abide by its issue honestly and in good faith.

Question. Do you not think that the people of Alabama at this time would prefer an independent government similar to the Jeff Davis government, the confederate government?

Answer. I do not.

Question. You think they are thoroughly reconciled to the Union again, do you?

Answer. I think this, that they are disposed to become thoroughly reconciled, and if they have a fair opportunity given them that they will become entirely reconciled; but as to a disposition or an anxiety, upon the part of the people with whom I am acquainted, publicly to establish an independent government, there is no disposition whatever upon their part to do it, nor ever to make the effort to do it; they are sick of secession and of war.

Question. Do your people esteem it a matter of great injustice that your leading men, who had been members of Congress or who had held commissions in the military and naval service of the United States, and in this capacity had taken an oath to support the Constitution of the United States, and broken that oath in rebelling against the Government, should not be trusted now, a second time, by the Government with the privilege of holding high offices? Do they esteem this a matter of great injustice?

Answer. Our people consider it a great privation to be deprived, in times like these, where we think the liberty and independence of the citizens are at stake and the existence of a republican government is in danger—we think it a great hardship that we should be deprived of the wisdom, experience, and knowledge of men whom we have once trusted.

Question. You do not answer my question in the spirit in which I put it. I will put it in another form. Are your people of opinion that Jefferson Davis, for example, who was once Secretary of War and a Senator of the United States, and who subsequently violated the oath that he took when he entered upon those high offices, should be trusted a second time to hold similar offices, after having thus flagrantly violated his obligation to support the Constitution of the United States?

Question. My opinion is that the people do not consider that Mr. Davis, or any other representative from the South in Congress at that time, violated his oath by leaving the Senate Chamber or the House of Representatives; for the reason that, as a general thing, we believe in the doctrine of State sovereignty, and that the State of Alabama, for instance, or the State of Mississippi, had a right to say to her Representatives in Congress when they should stay and when they should leave; that that right was superior to any other right in the land.

Question. Then you do not regard the oath to support the Constitution of the United States as pledging the one who takes it to maintain and defend the Union?

Answer. Not in opposition to the interests of his State.

Question. Is that the doctrine held by the democratic party to-day in Alabama?

Answer. So far as my knowledge of the democratic party is concerned, I believe that they maintain the doctrine that the States should not be interfered with in their internal matters—in their municipal laws; and that they should be allowed the privilege and the right to regulate their domestic affairs. That is what I understand to be the doctrine of the democratic party; that the Federal Government should not interfere in the management, direction, and control of State matters.

Question. But suppose the General Government does, do your people hold that the State of Alabama has the right to secede?

Answer. That involves the question, Senator, it seems to me, of all the theories of this Government.

Question. I just wanted to know what the opinions of the democratic party upon that question are to be in Alabama?

Answer. If the Federal Government does interfere, you say, with the affairs of Alabama, for instance, is it the opinion—I am just finding out your question—of the democratic party of Alabama that the State ought to secede?

Question. Yes, sir.

Answer. I am at a loss to answer that question for this reason: Even if we wanted to secede, it would not be possible nor practicable, and I do not believe that the people of Alabama indorse secession or approve of it.

By Mr. RICE:

Question. Do they indorse the right of secession under the circumstances stated?

By Mr. BLAIR:

Question. Do they not consider that that question has been settled by the rebellion fully and entirely?

Answer. They consider that the war and its results have forever settled the question of secession in this Government.

Question. And the right?

Answer. And the right of it?

By the CHAIRMAN:

Question. Did the General Government ever interfere in the affairs of the State of Alabama, except in the execution of the acts of Congress?

Answer. We believe it did, in the adoption of the constitution we have got now in Alabama.

Question. I speak of the condition of affairs before the war. Had the General Government intervened in the local affairs of the State of Alabama before the rebellion?

Answer. I have never read of the General Government doing so, nor do I recollect, of my own personal knowledge, of its having done it; I was nothing but a youth when the war began.

Question. But you are familiar with the history of those times?

Answer. Yes, sir. I have never read it.

Question. Then, in your opinion, there was no cause, so far as the State of Alabama was concerned, for rebellion?

Answer. I did not think so; I did not think there was any just cause for the secession of Alabama, or I would not have done what I did; I certainly would not have done it. I did not think the election of Mr. Lincoln, although considered by our people as a sectional President and a sectional candidate—I did not think his election was sufficient to destroy the American Union and break down all those memories that cluster around it to the pride and glory of the people.

Question. And you do not think that, if the State of Alabama had, by the ordinance of secession, seceded or attempted to secede from the Union, and had joined her arms with those of the people of the Southern States in attempting to make that secession good, that this afforded any pretext or just cause whatever for the General Government to interfere in the local affairs of the State of Alabama?

Answer. I thought that we should have waited until there was an overt act upon the part of Mr. Lincoln by which the peace and the liberty and the contentment that were then in our land would have been interrupted and molested, before we should have contemplated secession.

Question. You do not comprehend the scope of my question. You were speaking of the intervention by the General Government in the internal affairs of the State of Alabama, as I understood you.

Answer. Yes, sir.

Question. Is it your opinion that what the State of Alabama had done, in seceding from the Union and joining the Southern States in attempting to establish and maintain an independent government, afforded no just pretext for the General Government to interfere, after the suppression of the rebellion, to restore the Southern States to their normal relations with the General Government?

Answer. That is, after the war?

Question. Yes, sir.

Answer. Well, my opinion about that is that the interference upon the part of the General Government in the establishment of State governments and the regulation of State affairs was injudicious and improper at the time, for the reason that the people ought to have been allowed to establish those governments and regulate their internal matters, and thereby secure for the Union, against which there was some prejudice, that affection and love and interest which would best be secured by that step, and none other.

Question. You do not think, then, that the people had disqualified themselves in any manner, by going into this rebellion, from exercising as they formerly did the elective franchise?

Answer. My opinion about that is that we never lost our citizenship in the United States Government.

Question. Do you think those who went into the rebellion committed any crime?

Answer. Well, sir, from my stand-point, I think they did not.

By Mr. BLAIR:

Question. If the Senator will allow me to interrupt him, suppose they had committed

a crime, was there any way under the Constitution of the United States by which they could be punished except by trial in court?

Answer. That was the only remedy known to us.

Question. Known to the Constitution of the United States?

Answer. I am speaking about the Constitution of the United States.

By the CHAIRMAN :

Question. Is it your opinion that those persons who voluntarily went into the army of the Confederate States, for the purpose of establishing and maintaining a confederate government, were guilty of the crime of treason?

Answer. I do not believe that a man who voluntarily went into the confederate army is guilty of the crime of treason.

Question. You do not believe, then, that any of the leaders of secession were guilty of treason?

Answer. I do not believe they can be pronounced guilty of treason, unless they are tried under the Constitution, and so convicted.

Question. My question is, whether any who went into this rebellion and fought against the Government were, in your opinion, guilty of the crime of treason. I am not speaking of the mode of trial, or the punishment.

Answer. You just want my opinion, individually, as to whether I believe a confederate soldier, by fighting the Government of the United States, thereby was guilty of treason?

Question. Yes, sir.

Answer. To that I answer that I do not believe that he was guilty of treason.

Question. You think, then, that this rebellion was no crime?

Answer. Well, sir, from my view of the rights of the States, the sovereignty of the States, and the Constitution of the American people, I think that if we committed any crime, the Constitution pointed out the way in which we should be punished.

Question. My question is, whether you think any crime was committed?

Answer. Moral or political, do you mean, Senator?

Question. I mean to ask you whether any crime was committed against the laws of the country?

Answer. Not according to our acceptance and interpretation of those laws.

By Mr. RICE :

Question. You say that at the time Alabama seceded you did not think there was any just cause for her doing so?

Answer. I certainly did not at the time.

Question. If she should secede to-day, and raise an army, and commence an attack on the Government of the United States, would that be a crime against the laws of the United States?

Answer. You are asking me, now, a question about things that are not possible, or at least not practicable.

Question. But you say it was not a crime then, when she had no cause for seceding I ask if it would be a crime to-day, to do the same thing?

Answer. My opinion about that is, she has got—if I acknowledged and admitted any such thing as the right of secession—that she has got a much better right to secede to-day, by reason of the interference of the Federal Government, than she had in 1861.

Question. Assuming that you think that, would it be a crime, to-day, for her to raise an army to resist the United States?

Answer. I am clear in my opinion about this; that it would be very wrong for us to attempt anything of that kind.

Question. Would it be a crime against the Constitution and laws of the United States?

Answer. From my interpretation and acceptance of the Constitution of the United States, these things must be determined by the manner and under the direction of the Constitution, as to whether a man commits a crime or not.

Question. Do you think it would be a crime?

Answer. The courts must determine that; it is not for me to say whether it is a crime; I cannot pronounce a man guilty until he is convicted.

Question. I will assume that he commits a certain act; that they raise an army here to resist the laws of the United States, and secede; would that be a crime against the Constitution and laws of the United States, in your opinion?

Mr. BLAIR. Was it a crime—

The CHAIRMAN. Let him answer.

Answer. I have no hesitation in answering any question you ask me on that subject. The only difficulty I have is in understanding you.

Question. Here is what I mean—and it is with the object of getting at your sentiments, for when we get them we will take them to be the sentiments of a considerable portion of the people—whether you would think, if the State of Alabama should pass

an ordinance of secession now, and should raise an army and resist the laws of the United States, and the forces of the United States, it would be committing any offense or crime against the Constitution and laws of the United States.

Answer. My answer to that is this, that the war settled all questions of secession and its right.

Question. Do you think it would be a crime now ?

Answer. If we come forward and attempt to do that which we surrendered and submitted to in our surrender at Appomattox, it would be doing that which was wrong, because it would entail punishment and suffering on the people without any hope of accomplishing anything.

Question. Would it be a crime ?

Answer. If you think disunion is a crime, you take it as such.

Question. You put it on the ground of policy—entailing suffering ; I put it on the other view. Even if you had as good, fair hopes of the success of secession as you had in 1861, or better, would it be a crime to undertake it ?

Answer. I must confess that I am at a very great loss to answer a question based upon a supposition which has no feasibility nor practicability in it whatever ; I do not know how to define what is a crime under such a question. I wish you to remember that in—

Question. You cannot say whether it would be a crime or not ?

Answer. I cannot answer a question based upon a supposition which has nothing feasible nor practicable in it whatever ; to such a question, I do not know how to define what a crime is ; I have heretofore answered that the question of the right of secession has been settled by the issue of this war, which I believe the people of all Alabama accept in good faith ; and that to make an effort to carry the State of Alabama out of the Union again would be wrong, for the reason that it would be in opposition to that which has already been settled by the arbitrament of the sword ; it would be vain and useless, and would probably entail upon our people great suffering and great privations, and great hardships, without the slightest benefit coming to them from it.

Question. The question I ask you is, whether that wrong would amount to a crime against the laws of the United States ; you admit there would be a wrong.

Answer. If I was on the Supreme bench of the United States I would give a judicial opinion as to what a crime was.

Question. Can you not give one here as well as if you were there ?

Answer. I think not.

Question. You cannot give that opinion ?

Answer. Not on what the Constitution of the United States is.

By the CHAIRMAN :

Question. Did the people of Alabama throughout the rebellion levy war against the United States ?

Answer. They made war against the Government of the United States.

Question. Did the people of South Carolina levy war against the United States when they fired upon Fort Sumter ?

Answer. That was a declaration of war—so understood to be.

Question. Now, Mr. Richardson, I ask you, as you are an intelligent gentleman and a lawyer, whether treason against the United States does not consist in levying war against them, or in adhering to their enemies, giving them aid and comfort ?

Answer. I believe that to be the commonly accepted definition.

Question. Is not that the definition written down in the Constitution itself ?

Answer. I so understand it to be ; and that is the definition given by all law-writers upon that subject.

Question. Accepting that as the definition of treason, did not the people who voluntarily entered into this war against the Government of the United States commit treason ?

Answer. That would involve the question, Senator, of the right the people have to revolutionize ; that is said to be one of the inalienable and inherent rights of the people.

Question. Does it cease to be treason because it is revolution ? Is it not still levying war against the United States ?

Answer. It might be so considered, and I so consider it myself, as being a resistance to tyranny ; but in resisting tyranny, and attempting to preserve our inalienable rights as a people, I do not think we commit treason.

Question. You do not think that levying war against the United States under the circumstances that Alabama and other Southern States levied war was treason ?

Answer. I think it is treason from your stand-point—from the stand-point of certain political parties. It is not treason from my stand-point as a Southern soldier.

Question. Is it treason from the stand-point of the Constitution of the United States ?

Answer. Are you asking now for my own mere individual opinion as to what treason is, or my opinion based upon what has been adjudicated and decreed to be treason by the courts of the United States ?

Question. You may give both, if you please; you are not limited in your answer.

Answer. I have never seen any case or cause adjudicated in the courts of the United States where any man taking part in the war on the side of the South has been adjudged a traitor; none of our prominent, or public, or leading men have been declared by any judicial proceeding to be traitors by reason of their part and their conduct in behalf of the confederate army.

Question. This lenient Government has never put any of them upon trial for treason?

Answer. Mr. Davis.

Question. Was he put upon trial?

Answer. He was arraigned for treason?

Question. Was he tried?

Answer. My recollection of that matter, from what I have read, is that Mr. Davis was never thoroughly tried; that he was frequently arraigned before the court, and from the newspaper reports he was anxious and ready for trial.

By Mr. BLAIR:

Question. Did not the court decide that the fourteenth amendment, in imposing a punishment upon him for his treason by depriving him of the rights of a citizen, had inflicted one punishment and could not inflict any of the others?

Answer. That certainly is my recollection of what the court decided, and that was the cause of the trial not having been carried through. That is the only case, or the case that nearest approached a trial, and a definition of what treason was so far as participation in the confederate cause involved treason, that I have ever heard of.

By the CHAIRMAN:

Question. I am not speaking now about the punishment of treason, or whether the fourteenth amendment sheltered Mr. Davis from a conviction of the crime of treason. I simply wanted to have your opinion whether Mr. Davis, in what he did during this rebellion, from its inception to its close, ever committed the crime of treason against the United States?

Answer. I think not, sir; for the reason that Mr. Davis was exercising the right that every citizen has to revolutionize.

Question. If that right then existed, Mr. Richardson, in 1861, it exists now, does it not?

Answer. I believe that is one of the natural rights that God has given us.

Question. There is nothing in your judgment, then, that would make it a crime in the people of the State of Alabama to rebel again at any time when they thought they had sufficient cause; do I understand you correctly?

Answer. Not to that extent.

Question. Please explain, then, what you mean.

Answer. If the people of Alabama were tyrannized over by those in authority over them, and their liberties were endangered, and they were to be oppressed, about to be deprived of those rights which God gives us as natural rights, the right of liberty, the right of life, and the right of property, I believe, under such circumstances as those, any and every people, the people of Alabama, and the people of Pennsylvania, or any other State, have a right to rise up in their strength and set aside those who oppress them and attempt to take away their liberties.

Question. They could only be tyrannized over by the execution of constitutional laws, in the framing of which the State of Alabama had a part, could they?

Answer. If Alabama had a part in framing the law, and her people were represented in framing that law, I should think she would have no right afterward to resist it. She would be estopped from complaining of it.

Question. Was not the State of Alabama in Congress, and had she not a full voice in the framing of the laws at the time Alabama seceded in 1861?

Answer. Alabama had certainly been represented in the Congress of the United States from the time of her admission into the Union in 1819—at least history so reports it—up to the day of her secession.

Question. What tyranny had been exerted over the people of Alabama at the time she went into the rebellion in 1861?

Answer. I have stated two or three times that I did not think Alabama had a right to secede formerly.

By Mr. RICE:

Question. Had she a right to revolutionize at that time?

Answer. I have also stated that I believed it was the inalienable and natural right of every people to revolutionize when there was just cause for it, but there was no just cause for revolution or for secession then. Therefore, I believe—and I think it was the opinion of the people I have associated with, and the opinion of the majority of North Alabama—that there was no cause either for secession or revolution in 1861.

Question. Then how do you come to the conclusion that when they levied war against

the Government, if they had no cause for it, they were not guilty of treason if they levied that war without cause?

Answer. You must remember that between that time and the firing upon Fort Sumter 75,000 men had been called out.

By the CHAIRMAN:

Question. But I understood you to say this 75,000 had been called out pursuant to an act of Congress to which Alabama had given her consent; is not that so?

Answer. I stated, according to my recollection of that order—it was amidst a great deal of excitement—that Mr. Lincoln in it recited his authority for calling out the troops, and said it was for the suppression of revolts, rebellion, riots, &c., that existed in certain parts of the country.

Question. Does not every sovereign government possess the same power that was exercised by Mr. Lincoln?

Answer. I believe that it does.

Question. Is not such a power necessary to the existence of the Government—the power to call upon the people to maintain the supremacy of the laws, and to put down insurrection against those laws?

Answer. Well, if I were to answer that question in full, it would carry me back to a recital of what limited knowledge I have of what the framers of our Constitution intended in its organization in the beginning.

Question. Well, I do not care about opening that wide field.

Answer. I know you do not want that. As to the rights of the States and the rights of the General Government—

By Mr. BLAIR:

Question. I would ask if there were not a large number, probably a preponderance of the people of the Southern States, who held the doctrine that, under the Constitution of the United States, they had the right of peaceable secession?

Answer. There was a large number of them; a majority thought that way.

Question. That doctrine of State sovereignty had been propagated in this country for thirty odd years?

Answer. Yes, sir, by the leading men of the land.

Question. It was assumed that it had the right?

Answer. Yes, sir, to peaceably secede.

Question. And I understand you to say now that that pretension of theirs was submitted to the arbitrament of the sword, and decided against them; and that now the people of the Southern States no longer hold that there is any such doctrine or right as that of peaceable secession?

Answer. That is my opinion.

Question. They consider that decided by the arbitrament of war?

Answer. We consider that question settled by the arbitrament of the sword; that it is no longer a question in this country, and there are no political adherents to such a theory.

Question. The Senator claims that it was the leniency of the Government that forbade the trial and conviction of large numbers of the people of the South, who were involved in this rebellion, for treason. Is it not regarded, on the contrary, as anything but leniency to violate the Constitution and pass a bill of attainder depriving vast numbers of the citizens of the South of their rights without a trial?

Answer. It is so regarded by the masses of the people with whom I am acquainted—that it is anything in the world but leniency to pass such a bill of attainder, and deprive them of their rights without a trial.

Question. If the leaders in this rebellion had been tried, convicted, and punished, would it not have been regarded by the entire South as more in accordance with our Constitution, more in accordance with the dictates of humanity, than to proceed, in violation of the Constitution, to punish them without a trial?

Answer. We would have looked upon the trial of our leaders, even their conviction of treason, as less a privation and less a punishment than this wholesale deprivation of our rights as citizens, and forbidding our leading men, many of them, to hold office and exercise the rights of citizenship, without giving us a trial at all.

Question. Could there have been a more infamous imposition upon these people than to make them the prey of adventurers and plunderers, as has been done by the reconstruction acts of Congress?

Answer. I do not think that any punishment could have been devised which would have been, by our people, considered more severe, more degrading, and more humiliating to the people, than that act by which was thrust upon the people, and into their offices, men who were unworthy of the trust, men who were strangers to us, and men who created discord, dissatisfaction, and discontent throughout the whole land. I say our people consider that the greatest punishment that could have been placed upon them. They look upon it as a great iniquity, from which all of our evils flow.

By the CHAIRMAN :

Question. You speak of the wholesale deprivations of the rights of your people. What do you mean by that?

Answer. I mean by that, that soon after the war no man could exercise the right of citizenship or hold office who had held a certain grade in the confederate army.

Question. Had they not all renounced their citizenship of the United States when they went into the rebellion?

Answer. I think not.

Question. Did they still, while rebelling against the Government, claim to be citizens of the United States or citizens of the confederate government?

Answer. They claimed to be citizens of the confederate government.

Question. Then, had they not renounced their citizenship in the United States?

Answer. Because they were taxed—they were called upon to admit the confederate government, and as such, they were citizens *de facto*.

Question. *De facto* of the confederate government?

Answer. Yes, sir.

Question. I am speaking of those who willingly entered the confederate army for the purpose of resisting the Government of the United States. Did they still claim to be citizens of the United States, entitled to the rights and privileges of citizens of the United States?

Answer. Well, my answer to that question is this, Senator: There is something reciprocal in citizenship. In order to citizenship, to discharging the duties of citizenship, we are entitled to the protection of the Government. The Government had ceased to give us protection; therefore we were not citizens.

Question. Was not the Government fighting to give you protection and restore the supremacy of the laws throughout all these Southern States?

Answer. That was claimed to be the purpose and object of the war—to suppress the rebellion.

Question. And restore the supremacy of the laws?

Answer. And restore the supremacy of the laws.

Question. Was not the Government, then, doing all it could to extend to you all the rights and benefits of citizenship?

Answer. Well, sir, I suppose that the Union army, from its condition and bearing, so far as my knowledge goes, upon the battle-field, was doing everything it could; because they fought gallantly and earnestly whenever I saw them, and I have no reason to believe that they were not true and zealous in attempting to put down the rebellion.

Question. Now, to go back to that question which I put to you, and which you have not answered, and to which I desire an explicit answer: Did those men who voluntarily entered the army of the Confederate States, and took up arms against the General Government, and fought the General Government, claim, during all that time, to be citizens of the United States?

Answer. They did not. They did not claim to be citizens of the United States.

Question. Did they not, by the strongest implication, renounce all claim to citizenship? Did they look to the General Government for protection?

Answer. No, sir; they did not look to the General Government of the United States for protection. They looked to the Confederate States government for protection, because I considered myself a citizen *de facto*. My citizenship was in abeyance to the United States Government. It was to be determined by the result of that war whether I was a citizen of the United States or not.

Question. Were you fighting for the purpose of destroying that citizenship in abeyance, or for the purpose of being restored again to the citizenship of the United States?

Answer. I was fighting for the purpose of establishing a separate and independent government from the United States Government. If we had succeeded, I would certainly have lost my citizenship in and allegiance to the United States Government. But, having failed, that abeyance which I spoke of was determined, and it placed me back exactly where I started—a citizen of the United States Government.

Question. You think you became, *ipso facto*, immediately restored to all the rights of citizenship?

Answer. I think so.

Question. You think your efforts during three or four years, more or less, to dissolve the Union and to establish a separate government, did not divest you of a single right of citizenship as a citizen of the United States?

Answer. Under the Constitution, I do not believe it did.

By Mr. BLAIR :

Question. Unless convicted in court?

Answer. I mean that.

By the CHAIRMAN :

Question. You say you were approached by the Ku-Klux, and desired to join their organization?

Answer. I was, sir.

Question. More than once?

Answer. I recollect to have been approached at one time.

Question. At what time was that?

Answer. My best recollection, Senator, is, that that was in the fall of 1868.

Question. By a leader in the Klan?

Answer. I will give the circumstances.

Question. If you please.

Answer. I was in my office alone and a gentleman came in, a stranger to me, closed the door behind him, and gave other evidence that he desired secrecy and privacy in the matter, which attracted my attention. I asked him to take a seat; he pulled a paper out of his pocket and handed it to me. I asked him where he came from. He said from Limestone County, in the neighborhood of Saline Springs; that he was there for the purpose of organizing den number something, I have forgotten the number, in Limestone County, and that he wanted me to give him a "precept." I told him I knew nothing about any such organization; that I was not acquainted with it; that I was not a member of it, and I had no authority in the matter whatever. He then said to me, "You need not be afraid of me," or something in words to that effect; "I am all right; you need not have any suspicion of me; I have got the papers with me which show that I am one of you," talking to me as though I was one of them. He then gave me a certificate, saying that he was a member of the Ku-Klux; that he was all right, and was a member of the Ku-Klux Klan, and wanted to organize a den, saying what number, &c., there in Limestone, where I was very well acquainted.

Question. You were then living in Huntsville?

Answer. I was living here, but I was raised there, and mixed up in politics there, and knew them all. I then questioned him particularly about that neighborhood. He mentioned several names of citizens living there; I told him it was singular I had never met him; that I knew the people of that neighborhood very well; I had canvassed there and knew them thoroughly, and it was singular I had never met him. He then pulled out a blue book with all the orders, and forms, and symbols, and by-laws. I looked at it, and told him I knew nothing about them whatever, and that he must excuse me from having any further interview with him on that subject; that I was not a Ku-Klux, and had no right or authority to give him any privilege to organize any den whatever. He then left me; he went down on the streets; I staid in my office five or ten minutes and got to thinking about it, and I apprehended that he was sent there for a purpose, because he was a stranger. He had alleged that he had come from a certain part of Limestone County, with the people of which I was well acquainted, and I had never heard of his name. I apprehended that there was some purpose to get me committed if I was a Ku-Klux, and thereby get me in trouble. I went down on the streets to find him and he was gone. I never saw that man from that day to this. My opinion is that, in that instance, there having been a rumor circulated here, by reason of my going down that night and holding conversation with that Ku-Klux procession—with some man unknown to me, advising him to leave the town—that I was connected with the organization, and particularly as coming from Limestone County; and Colonel Bradley, a republican, having told me I was in danger of being arrested, mentioning my name in connection with that circumstance and some other names, and saying he believed I was not a Ku-Klux. I believe the approach this man made to me was to find out whether I was really a Ku-Klux or not, and to have me indicted, and give me trouble.

Question. Was this the first and only application ever made to you to become a member of that Klan?

Answer. No, sir; there was an application made to me, not directly; I accepted it as an application, at least I thought it was, because I supposed they approached men cautiously to find out their views before a direct offer was made; I understood it was an offer to me to join the Ku-Klux made here in this county.

Question. When was that?

Answer. In 1868, I think; I know it was earlier than this affair I spoke of. It was not made in words plain and unmistakable, for the reason that I had expressed myself as being decidedly in opposition to the organization, believing it would result in harm and be an injury to the people.

Question. Have you ever read the constitution of the order?

Answer. I have never read it.

Question. Have you ever read its obligation?

Answer. I have never read it.

Question. Do you know who were its leaders in this part of the State?

Answer. I do not.

Question. Have you no information upon that subject?

Answer. I have my suspicions.

Question. Are your suspicions founded on what you regard as reliable information?

Answer. They are not.

Question. Are they mere suspicions?

Answer. Mere suspicions and conjectures on my own part, for this reason: I believe a great many of the young men of this country at that time were in that organization, and my sentiments here were so publicly expressed about that, that they eschewed any interview or intercourse with me on that subject, and all I did gather as to who the leaders were or who were conducting it, was mere rumor, which I do not think was reliable.

Question. Have you any information as to the strength of the order in Madison County in the year 1863?

Answer. No, sir; I have not any information as to its strength. I could make a surmise.

Question. Give us the benefit of the best opinion you have on that subject.

Answer. The best opinion on that subject, I think, is that the Ku-Klux organization displayed its strength here the night of that riot, in 1863.

Question. For the entire county?

Answer. I think so.

Question. I understood you to say there were about one hundred to one hundred and fifty of them.

Answer. I do not think there were over one hundred and fifty.

Question. What leads you to suppose that the entire strength turned out that night?

Answer. Well, as I stated just now, it was a mere matter of surmise on my own part, of the vaguest conjecture; they did not talk to me on that subject.

Question. Do you know how they happened to appear in the streets of Huntsville that night?

Answer. My opinion is, they were induced to come here by reason of the threats that had been made that they could not come here.

Question. When were those threats made?

Answer. On that day, Saturday.

Question. Do you think these threats could have reached the Ku-Klux in all parts of the county?

Answer. I think most of the Ku-Klux in Madison County were within the corporate limits of Huntsville.

Question. Who made those threats?

Answer. They were made variously and at divers places during the day, by negroes. I think Mr. Sheets said they dared not come here; that they could go into Florence.

Question. Then you think that company that made the procession that night were men who belonged to the town of Huntsville?

Answer. A great many of them were; that is my opinion; there is nothing definite about that, because I did not know them. My views were in opposition to theirs; they would not talk to me; there may have been some of my companions and associates who were in that organization; I do not know; they knew my sentiments, and, of course, avoided conversation with me on that subject.

Question. How many troops were here at that time?

Answer. I think there was a regiment.

Question. Where were they stationed?

Answer. They were stationed, I understood, a half a mile west of the town, on the property owned by Mr. Rhett; there was a guard, I do not know of how many men it consisted, one block from the square, the Calhoun House.

Question. On that night?

Answer. On that night.

Question. How large was that detachment?

Answer. I do not know; there was always a guard about there; I do not know how many were kept there.

Question. Do you think the presence of the troops that night had any influence upon the retiring of the Ku-Klux Klan?

Answer. Well, sir, I am inclined to think it had. I know I stated to those men with whom I conversed, that the troops would be on the square, and that it would be their duty to take steps against them, and that would bring about a very unfortunate conflict. And now I remember, this man stated to me as we stood there, that they did not desire any conflict with the United States troops—none at any time.

Question. Do you think they were strong enough to have met the United States troops upon equal terms?

Answer. O, no, sir; nothing like it.

Question. It is possible, then, that their withdrawal was influenced somewhat by the fact that they would get into a collision with the United States troops if they undertook to fire on the negroes?

Answer. I think they were influenced by that fact, because I stated it to them. I think they stated that they did not want any conflict with the United States troops; it would bring punishment upon the people, and be an unfortunate affair to the community. In addition to that, I told them not to come back, because they would get into con-

flict with the citizens and involve bloodshed, and probably the town would be fired, and great evil would result.

Question. I wish you would look over the preamble of this act of the legislature of Alabama for the suppression of secret organizations of men disguising themselves for purposes of crimes and outrages, approved December 26, 1868; and after you have read it over, I will ask you a question based upon that act.

Answer. [After reading it.] I have read it.

Question. I desire to ask you whether the condition of things in Alabama recited in this preamble was true at that time?

Answer. I do not believe that this preamble was true at the time, and yet I would rather have that law to remain among the State laws of Alabama to-day than not; yet I do not believe that at the time of its passage that preamble was true.

By Mr. BUCKLEY:

Question. Was not the law very bitterly assailed and denounced throughout the State at the time of its passage by the Alabama legislature?

Answer. It was.

Question. Especially by the democratic party and democratic partisans?

Answer. It was assailed and denounced by reason of its recital of what purported to be the truth, but which we considered was false.

By the CHAIRMAN:

Question. Did you not believe there was a secret organization in many parts of the State, formed of men who, under the cover of masks and other disguises, and armed with knives, revolvers, and other deadly weapons, issued from the places of their rendezvous in bands, mounted on horses, disguised, in the hours of the night, and that they committed violence and outrages upon peaceable and law-abiding citizens—do you not believe that that was true at that time?

Answer. I believe there was an organization, say, in the county of Madison, at that time, that went in disguise. I do not believe, as that preamble recites, that houses were pillaged and that lawlessness of that kind was committed.

By Mr. BUCKLEY:

Question. Did they go armed?

Answer. I never saw them but once.

By the CHAIRMAN:

Question. Do you speak now for the whole State of Alabama?

Answer. I do not.

Question. For what part do you speak?

Answer. I speak more particularly for the counties of Limestone, Madison, Lawrence, Lauderdale, Morgan, and Franklin.

Question. Do you not believe there were such disguised bands in existence in all those counties at that time?

Answer. I believe there were in Limestone and in Lauderdale; as to whether they were in Colbert I have no opinion.

Question. You believe they were in existence in Madison?

Answer. Yes, sir; I have stated that already.

Question. Do you believe they entered the houses of peaceable citizens in the hours of night while they were thus masked, disguised, and armed?

Answer. I have heard of their doing it.

Question. Do you not believe they were mounted upon horses that were disguised?

Answer. I do.

Question. And that they rode about the country?

Answer. I saw them riding through this town.

Question. Did they ride about the country, too?

Answer. Yes, sir.

Question. If they did not enter the houses of people, what was their mission? what were they riding through the country in disguise for?

Answer. The only time I ever saw them armed was here in Huntsville, when they came, in my opinion, by reason of the threats that had been made.

Question. You have told us about that; I do not care about that transaction. Have you any information of their riding about the country?

Answer. Yes, sir; in Limestone County.

Question. What was their mission there?

Answer. I do not know; they rode into Athens and rode out without any guns.

Question. Is that the only instance you have heard?

Answer. I was at a public meeting near Willow Springs, in Limestone County. When they came up, I was speaking. They rode within ten or fifteen steps of the stand, and created merriment among the women and children; they were unarmed.

Question. Have you not heard of many instances where men, disguised, mounted, and armed, have molested peaceable people in the night-time?

Answer. I have heard of various instances where the Ku-Klux were charged to have taken men out and whipped them.

Question. Do you not believe these accounts to be true?

Answer. I do not, in all instances.

Question. How do you distinguish between the true and the false?

Answer. For this reason, that—

Question. I am speaking of instances of outrages committed within the last eighteen months.

Answer. I do not remember of any outrages committed about that time, in 1868, when that act was passed. I could refresh my memory. Doubtless there are some, but the outrages committed within eighteen months, I think, have been committed by highwaymen and robbers.

Question. At the time this act was passed, do you think that would have been put on the statute-book unless there was such a condition of things as is recited in it?

Answer. I do not think the fact that it is on the statute-book is an evidence that it is true, for the reason that the Alabama legislature was then composed of the description of men I have briefly described to this committee, and who created such dissatisfaction.

Question. Do you believe that the recitals of this preamble were wholly false?

Answer. I have not said so.

Question. Do you believe they were partly so?

Answer. I believe it was true to this extent, that there was a secret organization in this State at that time, that rode about on horses, disguised themselves, and their horses disguised.

Question. What were they doing?

Answer. What they did was mere hearsay. They were reported to have taken people out at different times. Whether they did it or not, I do not know.

Question. Taken them out from where?

Answer. From their premises and homes.

Question. What then?

Answer. I do not know.

Question. What was it said they were taken out for?

Answer. One thing and another. In one instance that occurred up here in the northern part of the county, they said they took a fellow out because he interfered with his neighbors' labor-system.

Question. What was done with the people taken out of their homes?

Answer. According to what I heard?

Question. Yes, sir; according to your information.

Answer. I heard that—for instance, the man taken out in the northern part of this county—it was said that he was whipped, because he interfered with his neighbors' labor-system. Whether truly or not, I do not know.

Question. Was he a white man?

Answer. Yes, sir.

Question. Were these outrages reported in the newspapers at the time?

Answer. I think Mr. Figures reported almost all of them.

Question. Did the democratic newspapers publish accounts of these outrages?

Answer. Really, I could not tell; I do not remember. Mr. Young was a democratic editor, and Mr. Clay, here. I do not know whether they reported them or not.

Question. Mr. Figures was the republican editor?

Answer. Yes, sir.

Question. He reported them?

Answer. I remember he reported this case; it may be Mr. Young did too.

Question. If there were other outrages committed by these disguised bands in the night or day time, the democratic papers of Huntsville did not report their existence?

Answer. I say I do not know whether they reported them or not.

Question. Were you not a reader of the papers?

Answer. One of them.

Question. You know whether that paper reported them or not?

Answer. The reason I remember that Mr. Figures has been in the habit of reporting these cases was, it was for the purpose of making political capital of them.

Question. Do you think the cases he reported were false or true?

Answer. Well, sir, I do not know whether they were false or not. I have no recollection.

Question. Did the democratic paper report the same cases Mr. Figures reported?

Answer. I said my opinion was Mr. Figures reported these cases, and that is my best recollection. I cannot specify.

Question. My question is, whether the democratic paper you read reported the same cases of outrages that Mr. Figures's paper reported.

Answer. John W. Young was the democratic editor here. He was not very apt at getting up incidents. He was not a very good editor, and I do not know whether he reported them or not. I know there was a great complaint here for a long time about Young publishing a bad paper. Whether he reported these various incidents or not, I cannot say. If I were to state from the best of my recollection and my impression about the matter, I would state that Young reported some of them; at least, such as he could hear of.

Question. He must have heard of them at the time they were committed?

Answer. He may have heard; I cannot state. I would pick up his paper and read it in the morning at breakfast; and even if he did report them, I would forget it in an hour or two.

Question. So you have not any recollection whether the democratic paper here reported these cases as they occurred or not?

Answer. I have not any recollection whether it did or not.

Question. But you have a recollection that the republican paper did?

Answer. My general impression is, that Mr. Figures generally reported these cases.

Question. Why could you remember the printed matter of Mr. Figures's paper rather than the democratic paper?

Answer. Simply for the reason we believed—the democrats here—that Mr. Figures was reporting all these cases for the purpose of political aggrandizement and political ends.

Question. Why did not your democratic paper, if the cases Mr. Figures reported were untrue, contradict?

Answer. I have not said the cases Mr. Figures's paper reported were untrue.

Question. Do you think they were true?

Answer. I have no opinion on that subject.

Question. You read them in that paper?

Answer. Well, yes, sir; I have seen some of them. I cannot tell you now what cases I have seen in his paper.

Question. Were the cases he reported denounced at the time as untruths, as falsehoods?

Answer. I cannot answer whether they were denounced as untrue or not. I remember to have conversed with Mr. Figures on one occasion about a case that took place in Limestone County, and to have told him what I believed, was the correct version of the matter.

Question. You say the laws are not executed promptly and efficiently. I understood you to make that answer to a question by General Blair. Did you refer to the present time?

Answer. I did not; I referred to the past. I was questioned by General Blair as to the efficiency with which the law was executed in this and other counties, and I stated I did not believe the laws were executed efficiently under the administration of Joseph P. Doyle, who is sheriff of Madison County.

Question. Is Mr. Doyle a northern or southern man?

Answer. A southern man—a republican.

Question. How long since he vacated the office?

Answer. I think it is six or eight months since.

Question. Up to that period the laws were not executed promptly and efficiently?

Answer. I do not think they were.

Question. Did I understand you to say you do not know of a single instance in Madison County where a man has been brought to trial and conviction for having committed an outrage upon property, person, or life, in connection with these disguised bands of men?

Answer. I stated that divers parties had been arraigned.

Question. My question is, whether there has been a single conviction in this county of a man because of his being connected with these disguised bands of men.

Answer. I have not heard of a single conviction, nor do I know of one; but I do know of several trials that have taken place here, of men charged with having committed offenses, under the Ku-Klux law.

Question. Do you draw the inference from that, that no such outrages have been committed, or that they have been committed under such circumstances that the proof of the guilt of the accused could not be obtained?

Answer. My conclusion upon that is, that the trial established the innocence of the parties charged.

Question. Do you draw the inference from that that no Ku-Klux outrages have been committed in Madison County?

Answer. I do not.

Question. You think, then, such outrages have been committed?

Answer. I do think, under that law of 1868, that men, according to that law, have incurred its penalty; they have gone in disguise; they have ridden disguised through the country on horses disguised, and, according to that law, they have incurred its penalty.

Question. But in no other way than having worn disguises, and ridden through the country?

Answer. I do not know of any outrage, Senator, that has been committed; therefore I could not pass upon the innocence or the guilt of a party. I do not know of any myself. I have heard that A and B, C and D have suffered in such and such a way from disguised men. I take it for granted that the officers of the law should do their duty. It is always considered so until the contrary is shown.

Question. Then you disbelieve these reports?

Answer. As to the truth of them?

Question. Yes, sir,

Answer. I did disbelieve them as a general thing, because I thought they were circulated for political purposes.

By Mr. RICE:

Question. State if, in these trials, these men did not prove that an offense had been committed under the law, and was it not a lack of proof to identify those who committed it that caused the acquittals?

Answer. I will answer by referring again to the case of Martin, who was tried here, and another gentleman whose name I have forgotten. They were charged with having committed an offense under the Ku-Klux act; that was, shooting a negro named Prior Turner. It was clearly proven, beyond question, that the negro was shot; but who shot him, how he was shot, and when he was shot, were not at all proved; and Mr. Figures, who was the justice of the peace, discharged those parties on account of the lack of that proof. Turner did not show how he was shot, when he was shot, or who shot him, but the fact was shown in court that he was shot.

Question. But the offenses in all these trials are proved, yet they fail to show who committed them. They prove that the violence has been committed?

Answer. I do not know that they do in all cases.

Question. As far as you know?

Answer. In that one they did. The physician testified to it, and there was Turner on the stand, who showed the wound, but who he was shot by was not proven.

By the CHAIRMAN:

Question. Then you are not satisfied, as I understand you, from the information that has come to you, that those outrages have been committed by men in disguise, banded together?

Answer. I am not satisfied, Senator, that the various rumors about outrages are all true; and am not at all satisfied that they were all committed by the Ku-Klux organization.

Question. I am not inquiring just now what names the organizations were known by, or for what purpose they were organized; I was simply inquiring whether you believe the fact to have existed in the past, that numerous people were visited in Madison County, in the hours of night, by bands in disguise, and taken from their homes and whipped, or otherwise outraged?

Answer. Whether I believe what rumors I heard or not?

Question. I did not ask you that question. I ask whether you know the fact, that numbers of people have been visited in Madison County, in the hours of the night, by bands in disguise, and taken from their homes and whipped or otherwise outraged?

Answer. I did not believe the truth of all the rumors that I heard about people being visited at night by disguised men and taken from their homes and whipped and otherwise maltreated.

Question. How do you distinguish between the rumors; give us the rule by which you distinguish rumors to be believed, and those to be disbelieved?

Answer. I distinguish in this way: I knew of one instance where the party charged that he was shot by disguised men, and the proof was that the men whom he charged as having been there in disguise were not there at all.

Question. Was it proved that there were no men there in disguise?

Answer. The proof in that particular instance was, that from an hour to an hour and a half, if I recollect right—the trial occurred some time since—from an hour to an hour and a half before certain firing took place in the streets of Madison Station, three disguised men were seen to pass through that town. That is my recollection of the proof in that instance.

Question. What instance do you refer to?

Answer. The instance of Turner.

Question. Were they wearing the Ku-Klux disguise?

Answer. They were disguised in some grotesque manner.

Question. After the similitude of the Ku-Klux?

Answer. My recollection is that they had on conical hats and long gowns and their horses were not disguised.

Question. Is that the common disguise of the Ku-Klux?

Answer. It is my recollection that they wore tall hats. They rode around the square. They did not have any uniform. As a general thing the Ku-Klux wear tall conical hats, and hoods over their faces with holes, and long gowns which are sometimes black.

Question. Did you ever read the constitution of the Loyal League?

Answer. I never did.

Question. You never was in one, of course?

Answer. I never was.

Question. You know nothing, then, of your own knowledge, of their constitution?

Answer. I do not.

Question. Their meetings, however, I understand you to say, were in open daylight?

Answer. At one time in Limestone County, in the latter part of 1868, I think it was, they held their meetings, if I remember aright, on Saturday evening, in the upper room of an old drug-store.

Question. After night?

Answer. No, sir; in the day-time.

Question. Did you ever hear of their meeting after night?

Answer. Yes, sir; in this town.

Question. Did they wear any badges to distinguish them as members of the Loyal League?

Answer. I have never heard of any.

Question. Did they have any disguise?

Answer. I never heard of any.

Question. Did they go armed?

Answer. I understood that at the colored church here, when the League met, sentinels were stationed—armed men.

Question. Did you understand that the members of the Loyal League were armed—that that was one of their rules?

Answer. I have heard that in the election excitement in 1868 they attended their meetings armed; that was the general understanding of our people.

Question. Do you think that all the negroes who belonged to these Loyal Leagues had arms?

Answer. I do not know whether they all had arms or not; I am simply stating what was the current rumor here; whether it was reliable or true I cannot state. The belief was that the negroes generally went to the Loyal Leagues armed.

Question. How do you know it was one of the objects of that League, if you never have seen its constitution and by-laws, to instill animosity and prejudice into the minds of the negroes against the native southern white people?

Answer. I stated that it was my opinion about the purpose and object of the League. It was derived from the common opinion of the public; and that was, that the object and purpose of the League was to create and establish more firmly the animosity of the negroes against the native white people of the South.

Question. When you speak of the opinion of the public, do you mean the opinion of the democratic party?

Answer. I do.

Question. That, in your definition, means the public?

Answer. The white public here.

Question. You never heard any republican say, did you, that that was one of the objects of this League?

Answer. I have heard Colonel Nick Davis—

Question. You need not quote him; we do not recognize him as a republican in good standing.

Answer. He voted for General Grant and Mr. Colfax, who were the republican candidates.

Question. I am asking—

Answer. You asked me if I did not hear a republican; I was going to answer that question, when—

Question. I say to you that I disavow Mr. Davis being a republican in good standing, recognized by the republican party. I mean to say that I do not want you to quote him as authority in answer to that question.

Answer. Very good, I will not quote him.

Question. Do you know any recognized republican, acting in harmony with the party, who has upon any occasion stated that it was one of the objects of this Loyal League to instill animosity and prejudice into the minds of the negroes against the southern white people?

Answer. I do not want to revert to that which the chairman of the committee has enjoined upon me not to mention—that is, the standing of Mr. Davis as a republican in the republican party of this county. He has been the mouthpiece of the republican party in this county for a long time. I have heard him in public speeches; and if the

chairman chooses to stop me now from telling what he said about the Loyal League, I will stop.

Question. I prefer that you make your answer to my question by quoting some other authority.

Answer. Then I cannot quote any other authority—republican authority.

Question. I think that I understood you to say that you knew of no act of violence that was committed under the auspices or authority of this Loyal League?

Answer. I know of none, sir; no maltreatment nor any injury done to any person that I know of.

Question. I understood you to say that the Ku-Klux Klan was organized or formed to be a check on the Loyal Leagues and a terror to evil-doers. What do you mean by the latter clause?

Answer. I mean that it was a natural consequence of any such war as the States had been engaged in that after its close some people would be lawless, and that they would be unrestrained. There was no doubt in the world that there were such men in this country, and that that was one of the results, and natural results, of a revolution of such magnitude as we had been engaged in.

Question. And your opinion was that that was one of the objects of the formation of the Ku-Klux Klan?

Answer. I think that it was formed for the purpose of being a check upon the Loyal League, and at the same time to direct and control, in company with the civil law, other wrongs, committed, I believe, by certain evil-doers that were nondescript, so far as political parties were concerned.

Question. Will you tell how you came to know what the purposes of these Ku-Klux were? If, as I understood you to say, you never read their constitution nor by-laws, and were not in communication with any of the members of that Klan, and never received the secrets of their order from them, what means have you then of knowing what were the objects of this organization?

Answer. I have stated two or three times that as for myself I had no connection whatever with the Ku-Klux organization.

Question. So I understood you.

Answer. That I was not in sympathy with them; that I was opposed to all secret organizations; and that in view of my opposition to this organization I had declined to join them. I have stated, further, that all the knowledge and information that I pretend to give you about that organization is derived from what the public thinks; from common opinion. I stated that I believed, from all that I had heard about this organization, that its object and purpose were to be a check upon the Loyal League and to be a terror to all evil-doers. I do not know anything about it of my own knowledge.

Question. When you state that your information is derived from public opinion, do you mean that portion of the public opinion here known as the conservative or democratic party? Do not the republican party hold, and have they not always held, that this Ku-Klux organization was formed for political purposes, and its misdeeds were visited almost exclusively upon Union men?

Answer. There is no question but that the republican party so considers the Ku-Klux organization.

Question. When speaking of public opinion you do not mean to include any portion of the republican party, do you?

Answer. I mean simply to say the opinion of this town and men with whom I am associated; and it is from such sources that I get my information of what the public opinion is. If I was speaking as to the character of a man, I would speak as to what those thought of him with whom I was associated.

Question. What I want to get at is, whether, when you speak of the public and the opinion of the public, you mean to include the opinion of any portion of the republican party of Madison County or of Limestone County?

Answer. (after a pause.) I was just attempting to recall whether I had heard any republicans give their opinions as to the purpose and object of this organization, and, as I stated before, I do not remember to have heard any republican say anything about what the object of this organization was at all.

Question. You leave the republican element, then, entirely out of the question when you speak of public opinion?

Answer. So far as my knowledge of public opinion goes.

Question. What is the comparative strength of the republican party in the county of Madison?

Answer. Well, sir, taking the republican party of whites compared with the democratic party in Madison County, I do not think the republican vote of Madison County of white people will exceed 150 voters.

Question. I am speaking of the comparative strength of the entire republican party, white and colored, in Madison County?

Answer. That is a right difficult question for me to answer, for the reason that I am bound to base my opinion on the elections, when determining the relative strength of

the two parties. The election for members for the house of representatives of Alabama resulted in the last election in the election of three democrats, by a majority of, I think, between 800 and 1,000.

Question. What was the entire vote polled?

Answer. I think the entire vote polled was, to the best of my recollection, between four and five thousand—probably five thousand. I cannot be positive about these things.

Question. You think the democratic party in Madison County has a clear majority of 800 or 1,000?

Answer. If I am to take that as a true criterion.

Question. Do you accept it as a true criterion?

Answer. I do not.

Question. My question is, what is the comparative strength of the two parties?

Answer. I think that at a fair election, untrammelled and uncontrolled by outside influence, the democratic party would carry the county by a larger vote than that. If we are to be influenced and interfered with by parties and persons who are unfriendly to the interests of the native southern men, then I say that that majority would be reduced; but if the negro was left alone, uninfluenced and untrammelled, his passions not appealed to, I believe the native southern people of Madison County would get a beneficial control of him.

Question. You believe, then, that the influx of white people from the North is hostile to southern interests?

Answer. Emphatically, I do not. I believe that the people of Madison County welcome northern men who come here for the purpose of identifying themselves with the material interests and prosperity of the country, and who come here, not for the purpose of taking control of their State and county affairs, and becoming the givers of law while strangers in our midst; if they come peaceably any persons, as is well illustrated by my friends Fordyce and Day, who come are welcome.

Question. They are good democrats, are they not?

Answer. I never knew Captain Day's politics until about the last nomination that Judge Dox received for Congress.

Question. Did not Captain Day come into the State as a carpet-bagger? Has he not been an office-holder ever since he came into the State?

Answer. He has been an office-holder ever since he has been in the State, so far as I know. I say I did not know his politics until Judge Dox received the last nomination of the democratic convention at Gadsden for Congress. That was the first evidence ever given to me by Mr. Day that he was a democrat, and I was an intimate associate and friend of his; we did not talk politics, and I did not know whether he was a democrat or republican. His partner was a republican.

Question. You had no idea of his political sympathies up to that time?

Answer. None whatever, because I considered as to that thing of discussing politics between two young men, I was an associate of his, and respected him; and simply because he had been a United States soldier was no evidence to me that he was not a gentleman and could not find a friend.

Question. You do not think well of northern men who come into the State of Alabama for the purpose of obtaining office?

Answer. Who make that the object, and come down here merely for the purpose of holding office, and out of it making money; I do not think well of what we generally term "carpet-baggers."

Question. Do you know it to be a fact that Mr. Day has held office almost ever since the first day he set foot in Alabama?

Answer. I do. I know the fact that Mr. Vandeventer, who is a republican, and lives here in this community, and has been a quiet, worthy, good citizen, was a northern man, a northern soldier, is a republican to-day, and is greatly respected.

Question. If Mr. Day, who you say has been an office-holder ever since he came into the State of Alabama, had been a rampant republican, do you think he would have been agreeable to the taste of native Alabamians.

Answer. I think if Mr. Day had come here, as others have come, seeking to get into office by appealing to the prejudices and to the animosities of the negroes as a hobby upon which to ride into office, he would not have been thought as well of as he is now, but classed with those who now occupy that position in this community, and who are disagreeable and unpleasant to the people.

Question. Has it commended him to the favor of all good democrats here that he does heartily sympathize with the democratic party, and vote for its candidates, and co-operate with them?

Answer. What commended Mr. Day to this community was that he conducted himself orderly; he has shown himself to be a gentleman. Notwithstanding the fact that he was identified with a regiment raised in the State of Alabama, toward which the people have dislike—notwithstanding all these unfavorable circumstances, he has behaved himself uprightly, courteously, and attended to his business. For this reason Mr. Day

received, to an unusual extent, the hospitality and courtesy of these people a long time before I, as his companion, knew his political sentiments.

Question. You think his politics have not had anything to do with his hospitable reception here?

Answer. His politics have had this tendency, since developed, to throw him more intimately with the community at large. I believe that. I do not pretend to say that if a man advocates certain political sentiments, it will not secure him, in this country, as in any other country, more intimate relations with those who advocate the same political views. But I say that Mr. Day so conducted himself here, before we knew what his politics were, that he was received. I remember to have distinctly discussed the fact with an intimate friend when he went to the Gadsden convention, that that was the first declaration I had ever heard Day make in politics. That was when Judge Dox was nominated the last time.

Question. Are men who are bold and outspoken in their opinions and who advocate radical views, respected and esteemed in this community by the opposite party.

Answer. Men who advocate and boldly speak radical sentiments, and express radical views, are not as much esteemed in the community as a man who entertains democratic views and sentiments, by the democrats.

Question. You answer by a comparison?

Answer. Yes, sir; they are not as much esteemed by the democrats as some other democrat is. At the same time, we have some of our citizens who are republicans, who have held those sentiments ever since the war, and who are considered upright and honest men, so far as I know.

Question. They do not talk about politics much, do they?

Answer. I do not know any man who talks politics more in North Alabama than Colonel Joseph C. Bradley.

Question. What business is he engaged in?

Answer. He is now a commissioner of roads and highways—an officer of the county.

Question. Suppose Mr. Bradley were engaged in the business of selling goods in Huntsville, and was to talk politics over his counter, day in and day out, expressing his views boldly upon all occasions, and advocating republican doctrines, would he be patronized by any one outside of his party?

Answer. You will pardon me for answering—it might savor of levity—that would depend entirely on how he sold his goods; if he sold them cheaper than his neighbor democrat, the people would go there and buy.

Question. And it would not influence his custom?

Answer. I do not believe it would one bit, simply for the reason we deal here simply with men. Mr. Vandeventer is one who has established a store here, and I am a democrat, and I deal with him and know he is a republican, and I believe he is getting the general patronage of the community, to the exclusion of many men who have been here for many years; for the reason that Mr. Vandeventer sells cheaper than the Shaudies.

Question. Other things being equal they would patronize the democratic store, would they not?

Answer. I suppose they would; I would myself, other things being equal; I would rather patronize the men who are co-operating and sympathizing with me, and attempting to free me from the evils I consider are imposed upon me.

Question. Are you at this time subject to the disqualification of the fourteenth amendment?

Answer. That, I believe, excludes a man from office who has ever held office before the war, and taken an oath; I am not subject to it, because I never held an office before the war.

Question. How many men in Madison County are subject to that disqualification?

Answer. I could not even make a guess, because I do not know; I remember to have seen an estimate, whether true or not, in the political canvass of 1863, that there were over 30,000 in the State of Alabama.

Question. You saw that in the democratic newspaper?

Answer. In the newspaper; I was taking the Montgomery Mail at that time, and I expect that is where I saw it; that is the seat of government.

Question. Was that a democratic paper?

Answer. O, yes, sir.

Question. You do not know it otherwise than by reading that article?

Answer. I do not.

Question. You do not know the number in Madison County?

Answer. No, sir; I cannot tell, because there are many men in Madison County, probably, who have held office that I even do not know.

Question. Is there any other disqualification except the incapacity to hold office resting upon a single citizen of Madison County now under the fourteenth amendment or any other law?

Answer. Well, it seems to me that any man who has been a Senator or a member of Congress before the war is particularly designated, is he not?

Answer. You do not catch the point of my question. I desire to know whether there is any person any longer disqualified in any other way than an incapacity to hold office?

Answer. I know of none that I can now think of.

Question. When you speak, then, of the people of Alabama being deprived of all their rights, you mean the right to hold office, do you?

Answer. When I speak of being deprived of their rights, and the evils imposed upon them, I refer particularly to the imposition of that constitution upon us.

Question. You refer to the past and not to the present?

Answer. O, yes, sir; I refer to the past.

Question. There is no grievance resting on the people of Alabama at this time, except the incapacity to hold office of certain prominent individuals who went into this rebellion, is there? If there is any other grievance, let us hear it?

Answer. Our chief grievance, as I have stated frequently, is this Alabama constitution; that is the only grievance we suffer under particularly; it was imposed upon us, and in its imposition, officers and men who were disagreeable to us, and unpleasant, and who failed to execute the law, and were in their offices for selfish purposes, were thrust upon us.

By Mr. BLAIR:

Question. And that still continues?

Answer. Yes, sir.

By the CHAIRMAN:

Question. When you get rid of these officers you will have no other grievance than the fourteenth amendment disqualification?

Answer. We have still that constitution.

By Mr. BUCKLEY:

Question. Is not the constitution in itself a good one?

Answer. Well, sir, I think not.

By Mr. BLAIR:

Question. It is not a good one if it was not the work of the people anyhow?

Answer. I think it is not a good one.

By the CHAIRMAN:

Question. Do you disapprove of that portion requiring education to be extended to all people—all children?

Answer. I do not. I think that the colored children ought to be educated. I think it is to our interest to educate them; it is decidedly to the interest of the southern white man, for the reason it puts in the hands of the negro the weapon by which he may defend himself from these impositions that are put upon him.

Question. Then are the democratic party of Madison County heartily in favor of negro education?

Answer. I believe that they are.

Question. Are the democratic party of Madison County heartily in favor negro suffrage?

Answer. I believe that the democratic party of Madison County accept the amendment by which negro suffrage is conferred upon the colored people of Madison County, entirely and unqualifiedly.

Question. Are they in favor of the fifteenth amendment?

Answer. Well, they accept it; they abide by it; they intend to make no opposition to it; they recognize it as a part of the Constitution of the United States; but they do not believe that that was legitimately ingrafted as a part of the Constitution.

Question. Would they like to get rid of it?

Answer. (after a pause.) Are you inquiring of me now as a mouthpiece of the democratic party? I can answer what I think about it myself.

Question. I am asking the opinion of the democratic party in Madison County, so far as you are familiar with it; what are their sentiments upon that question?

Answer. I do not believe that there is any disposition on the part of the democrats of this county to interfere either directly or indirectly with the right that a negro has to vote.

Question. You think if the democratic party were in power then they would not agitate that question?

Answer. My opinion is that the democratic party accepts the question of negro suffrage as settled and fixed.

Question. My question is whether, if they were in power, they would agitate that question?

Answer. (after a pause.) I hardly know how to answer that question, for this reason, that I consider that when a man looks upon anything and accepts it as fixed and settled, he could not, with any consistency, afterwards agitate it.

Question. Do you think, then, the democratic party in the State of Alabama, so far as you are acquainted with the sentiments of that party, regard the fifteenth amendment as a finality, never to be agitated if they get into power.

Answer. I think that they regard the fifteenth amendment settled and fixed just like they regard any other paragraph or section in that Constitution, just exactly; they consider it just as fixed as that paragraph which says a man is entitled to a speedy trial.

Question. And you think if in power they would not be in favor of submitting a proposition to the States for rescinding that article?

Answer. A proposition to the States to deny the negroes the right of voting, you mean?

Question. I mean this: I wish to inquire of you whether, in your opinion, if the democratic party were in power and had the control of both branches of Congress, the people of Alabama would be in favor of Congress submitting a proposition to the various States to rescind the fifteenth amendment?

Answer. I do not believe, from my knowledge of the sentiments and views that control the democrats of Madison County and North Alabama, that if the democratic party was in power and ascendancy, and had both Houses of Congress, any proposition would be submitted by the democratic party to the Southern States to rescind the right that the negro has to vote. I do not believe that any such proposition would be submitted by the democratic Congress to the States to take from the colored people the right to vote in the States or rescind the fifteenth amendment.

Question. Then it is your opinion that the people of Alabama, without distinction of party, have come to recognize, as a finality, the right of the colored people to vote, without regard to education or property?

Answer. The people of Alabama, so far as my knowledge of them goes, consider that this fifteenth amendment has become a part of the Constitution of the land, and that, being a part of the Constitution of the land, we must abide by it, and we do accept it as fixed and settled.

Question. Is it not also true that all the democratic organs, their speakers and the press of the democratic party in the State of Alabama, are constantly engaged in throwing obloquy upon that amendment?

Answer. The democratic papers that I read—and I read the leading one in the State—maintain clearly and decidedly, and has done so in various and divers editorials, that the fifteenth amendment should be accepted by the people, and should be looked upon as fixed and settled.

Question. How long has it maintained that position?

Answer. It has maintained that position for six or eight months past.

Question. What was the position of that paper upon that question before that?

Answer. The position of that paper when the amendment was passed was in opposition to it.

Question. Was it denounced as invalid and a fraud?

Answer. It was called "revolutionary, null and void."

Question. Was that the sentiment of the democratic party at that time?

Answer. In 1868 it was.

Question. Was it in 1869?

Answer. Well, sir, after the election of General Grant, after it was adopted and made a part of the Constitution, my opinion of that is, the matter was looked upon as fixed and settled, and, notwithstanding the fact that it had gone into the Constitution irregularly and was not properly ingrafted there, yet it was done under the forms and color of law, and we said we should accept it and abide by it.

Question. There has been there, if I understand you, an entire acquiescence in the validity of that amendment by the democratic party in Alabama ever since General Grant was elected?

Answer. There has been an entire acquiescence as to the fact that it is a part of the Constitution, and we must obey it as such; but that it was legally and properly and according to all the requisites of law ingrafted on the Constitution, we do not believe.

Question. Is there any disposition upon the part of your party to have that question submitted, if possible, to the Supreme Court of the United States for decision, with a view of getting rid of that amendment?

Answer. I hear of none now, whatever. I think the last I ever heard of resorting to the Supreme Court, in political circles here, was in 1868.

By Mr. BUCKLEY:

Question. Did you refer to the Montgomery Advertiser?

Answer. The Advertiser and Mail, which have been blended.

Question. How is it with the leading democratic organ of your county upon this question?

Answer. The Huntsville Independent was claimed to be a democratic paper here, and really had no clear definition of its democratic sentiments. We do not consider the Huntsville Independent as a leading paper, for the reason that it omitted to do anything positive or direct.

Question. I was speaking of the leading democratic organ, now the democratic paper edited by D. Withers Clay.

Answer. I can better express my opinion as to his position by simply saying that I think Mr. Clay entertains the political theories and indorses the political theories that Mr. Alexander H. Stephens does upon that subject. I think, in saying so, that is the best definition I can give of Mr. Clay's views upon that subject.

Question. Then Mr. Clay is understood not to accept of what is termed the new departure of the democratic party?

Answer. I do not think that Mr. Clay has published any editorial in which he says that he does not accept it; but the common acceptance among the democrats here is that Mr. Clay is what is called one of the Bourbons, after Alexander H. Stephens.

Question. Is his the leading paper of the democratic party in the country?

Answer. I think not. I think this Huntsville Reporter has as great a circulation. The Independent certainly has a much greater. We look upon Mr. Clay, here, as an extremist.

By Mr. RICE:

Question. In regard to the grievances the people of Alabama complained of, have they any grievances except the fourteenth amendment now which they complain of that cannot be remedied by the people at the ballot-box within the State?

Answer. Yes, sir; we have an election law in this State which is a heinous grievance to the people, and which we have not, under that election law, the right or opportunity to remedy.

Question. Is it a part of the constitution?

Answer. I would not like to answer about that constitution unless I had it before me.

Question. Why cannot it be amended?

Answer. It cannot be amended for this reason: that in order to amend it we would have to elect a certain character of men; the men we would elect would be known to be opposed to that particular kind of an election law. The very men who are in favor of it—the colored people—would vote against these men, and the very evils we are now complaining of would be exercised and directed in opposition to the very men we would select for the purpose of making that remedy.

By Mr. BLAIR:

Question. Does not the law itself prevent any remedy?

Answer. Yes, sir.

Question. It prevents you from having a fair election; that is your complaint?

Answer. The law that prevents us from having a fair election will prevent us from electing men to give us the remedy.

Question. In other words, you have not a real republican form of government when the electoral officers can defraud the people under a partial law?

Answer. That is what I say, sir; we have not a republican form of government.

By Mr. BUCKLEY:

Question. Is not the lower house of the general assembly of the State now democratic?

Answer. I think so, by a small majority.

Question. Do you recollect whether any bill was passed by that house, or introduced into that body, for the purpose of amending this election law last winter?

Answer. I am not distinct upon the fact as to whether such a bill was introduced or not. I remember to have conversed with the members of the legislature from this county; they were decidedly in favor of such a bill being introduced, but they well knew, so they told me, that it could never become a law, for the reason that the radical party had control of the senate by an immense majority.

Question. Did that democratic house make any attempt, to your knowledge?

Answer. That is what I answered; I do not remember distinctly whether it did or not. My impression is, without having been a member of that legislature and knowing positively, that such a bill was introduced.

By Mr. RICE:

Question. Assuming that the election is fair, is not the whole subject within the hands of the people to remedy it, so far as any grievance you complain of, except the fourteenth amendment, is concerned?

Answer. It is in their hands to this extent, Colonel, that the very evil we complain of—

Question. But, assuming that the officers do their duty, and that the election is conducted fairly, is not the remedy for all the evils of which you complain in the hands of the people of the State?

Answer. If the election law was modified and changed, so as to give the people a fair and untrammelled expression of their views and wishes, I believe we could remedy the whole matter by a convention of the people.

Question. It is all in the hands of the people as in any other State where they have anything to complain of?

Answer. Yes, sir; and we believe by a convention we can rid the State of the evils. I am not speaking of that imposed by the General Government.

Question. Are there any evils in the Federal Government you complain of, except the fourteenth amendment, at this time?

Answer. We do not think the troops ought to be quartered among us; that is one grievance; we do not think there is any necessity for it; I do not see that there is any necessity for this regiment out in the edge of the town; that is a grievance; they certainly occupy the position susceptible of the suspicion, at least, of being here to watch over us—to hold bayonets over us; we are not hostile to them; they conduct themselves politely and courteously, but we do not feel that there is any necessity for them.

Question. Are they not here under the power of the Government, undisputed and always exercised?

Answer. I have understood that the Government would not send troops to be quartered on the people unless there was a necessity.

By the CHAIRMAN:

Question. Are they quartered on you here, or does the Government supply them?

Answer. The Government feeds them.

Question. They are quartered in this neighborhood; they must be located in the United States—must live somewhere in the United States?

Answer. Yes, sir.

Question. I suppose they afford a pretty good domestic market here for your surplus produce?

Answer. I stated we have nothing to complain of in the soldiers.

By Mr. RICE:

Question. What other evils do you complain of in reference to the presence of the soldiers?

Answer. We do not consider that they are necessary here; they are in other parts of the State. Before the war we had no soldiers here, and we do not think there is any necessity for them now; and, although it may be the right and privilege of the Government to put them wherever it sees proper—we do not pretend to question that—our belief is, that they are put here to guard our people and keep them from revolt; there is no necessity for that.

Question. Is there any actual oppression from that source?

Answer. None whatever.

Question. Is there any other grievance?

Answer. Only this objection, it is a moral oppression, to this extent: they are placed here to watch us; they do not interfere with us physically, personally, or anything of the kind. We consider that they are here to suppress any probable outbreak originating in our dislike of the Union.

By the CHAIRMAN:

Question. Do you not think it was a fortunate circumstance that they were here the night of the riot?

Answer. I do not think the presence of the troops staid or checked the progress of that riot at all.

Question. I understood you to express the opinion that the Ku-Klux would not have retired from the town, but would have indulged in a free fight, but for the presence of the United States troops.

Answer. I stated that I told this gentleman, disguised man, that the United States troops were about coming on the square, or would be there very soon, and that they ought not to go back on the square, for the reason that a conflict with the troops would be calamitous to our people. He responded by saying they did not desire any conflict with the troops; that they had no purpose of making any attack upon them whatever; and they would leave the town, and did go.

Question. Do you not think the troops were peace-makers upon that night?

Answer. I believe that, going down there myself, if you will excuse me for saying it, I had more to do with making the peace than anybody else; advised them to go away.

By Mr. RICE :

Question. What other grievance do the people of Alabama complain of on the part of the Federal Government, except the one you have named, and the fourteenth amendment ?

Answer. They complain, as I have said, of the inability of our leading men.

Question. I admit that they complain of the disabilities under the fourteenth amendment, but, excepting that, and the one you have just named, what other grievance is there ?

Answer. We complain, as a people, of the centralizing tendencies of the Government. We believe down here that the republican institutions of the land are in danger, to a very great extent. That is a grievance that certainly would weigh upon any man who believed that his liberty and rights are in peril. That is one of them. That is a general reason.

Question. That is a political grievance ?

Answer. Yes, sir ; a political grievance.

Question. What other grievance ?

Answer. I think that goes about through the catalogue of grievances.

By Mr. BLAIR :

Question. I want to know of you if it is possible that this people could have, or any people could have, a greater grievance than that which is involved in depriving them of their ablest, best, and most experienced men ?

Answer. I do not think any greater grievance could be imposed upon us ; and especially at this juncture of our political affairs we need and require, and our prosperity and interest demand, that we should have our leading, wise, and experienced men. Those men are denied rendering us any service, and for that reason, I think it was the greatest—

By the CHAIRMAN :

Question. Have they ever applied to Congress to be relieved of their disabilities ?

Answer. I do not know. I know that one distinguished Alabamian has been relieved of his disabilities, and was chosen by the people of Alabama to represent them in the United States Senate, and he is not there ; that is the Hon. Mr. Goldthwaite.

By Mr. BLAIR :

Question. As I understand you, it is not the complaint of the individuals themselves that they are deprived, but the complaint and the grievance is, that the whole State is deprived of the ability, judgment, and experience of these, its ablest men.

Answer. I do not remember to have ever heard any of these prominent men complain of being under the disability themselves. It is the people who complain that these leading men are under disability ; it is the people of the State at large who complain.

By the CHAIRMAN :

Question. These leading gentlemen, then, do not want to be relieved ; is that your idea ?

Answer. No, sir ; it is not my idea.

Question. Do they want to be relieved ?

Answer. I believe they would like to be relieved ; they all indorse and would approve a general amnesty.

Question. Are they unwilling to make application to be relieved of disabilities ?

Answer. I do not know whether they are unwilling to make personal, individual application or not.

Question. Has not Congress uniformly relieved every case of application that has been made ?

Answer. The leading men in this State have been greatly discouraged in making personal application, for the reason that they have seen in certain instances that Congress had relieved men, and those very men were unable to take office.

Question. Why ?

Answer. That question is in the hands of the Senate, in relation to Mr. Goldthwaite.

By Mr. RICE :

Question. But not on that point.

Answer. I am speaking of disabilities ; he has been relieved, and qualified for office. He has not been allowed to take his seat.

By the CHAIRMAN :

Question. Has his case ever been decided by the proper committee ?

Answer. I remember to have seen a publication, whether true or not I cannot say—I cannot answer advisedly upon the steps taken by the body of which three gentlemen here are members—but I remember to have seen a publication that Mr. Goldthwaite

would be admitted, provided Blodgett, of Georgia, could be allowed to come in with him.

Question. By what authority, sir, was that statement made?

Answer. Well, sir, newspaper.

Question. I would like a more specific answer to my inquiry, whether the men in Alabama subject to political disabilities under the fourteenth amendment are opposed to making application to Congress for relief.

Answer. Well, sir, my opinion is, that some of the leading men have made personal applications to Congress.

Question. I wish a direct answer; it is susceptible of one.

Answer. I know that. I am going to answer in this way: some have made application, and some have not. You ask me for the opinion of these men.

Question. So far as your information extends, are they opposed to making application?

Answer. My opinion of the disposition of the leading men of Alabama on this subject is this: that they think it much better for Congress to pass a general amnesty bill.

Question. I am not asking for that. Are they opposed to applying, and, for that reason, have they postponed or declined making personal application? My question is simply, are they opposed to making application?

Answer. I cannot answer that, because I do not know.

Question. Have you ever known a case in Alabama where a man disqualified under that amendment has applied to Congress in vain to be relieved?

Answer. I remember to have seen a special bill of relief reported by newspapers from Congress, in which certain individuals whose names were included in the application were excluded.

Question. Struck out of the bill?

Answer. Yes, sir.

Question. On whose motion were they struck out?

Answer. I am speaking only from newspaper reading. It occurs to me that at one time Mr. Hawley, who was a member of Congress from the fourth district—

By Mr. BUCKLEY:

Question. This district?

Answer. It seems to me that he upholds provision in the bill for some citizens.

Question. Were they not subsequently relieved?

Answer. I do not know, colonel, whether they were or not. I just remember to have seen that paragraph.

Question. Were they not the names of Mr. Lindsay, the present governor, and Mr. Schloss, the present member from that district, and afterward were they both relieved? That is my recollection.

Answer. I do not think the list I saw as being excluded had Governor Lindsay's name in it at that time. I know Governor Lindsay was afterward relieved, but whether he was excepted then or not I do not know.

By the CHAIRMAN:

Question. Do you think it a great hardship and grievance that Congress should not make haste and relieve these gentlemen in Alabama who are subject to disabilities under that amendment, when they are unwilling to make application to be relieved?

Answer. I think Congress ought not to stickle over any personal pride in the matter, and to expect or claim that these gentlemen should come forward and do these things, but that Congress ought to go forward—that is my idea—and do that which will best promote harmony in the Southern States, and secure the allegiance of these men and their friends to the United States by a general amnesty bill.

Question. Your idea is, that those gentlemen should stand aloof, and wait for Congress to approach them and generously offer them forgiveness?

Answer. Not in that spirit.

Question. You think they should stand upon their dignity, and not make application?

Answer. I think they should remain as they are, and let Congress come forward, without requiring personally A, B, or C, or D to apply.

Question. Do you think it would be disgraceful in them, and degrading to their manhood, to petition Congress to be relieved?

Answer. I think not. I do not think it would be disgraceful or degrading, nor that our people so consider it.

Question. Would it be undignified?

Answer. I do not think so.

Question. Do you think it any great hardship for them to make application?

Answer. I do not think myself that it is any great hardship. Those leading gentle-

men entertain the current view of the South that they have committed no crime, and therefore there is no necessity of offering or asking pardon.

Question. You spoke of the riot in the fall of 1863, and of the large number of people present—a thousand white people around the square, and from one thousand to fifteen hundred negroes—and that, from the course of the evidence, it appeared that the shots proceeded from within the court-house square?

Answer. Yes, sir.

Question. Did the evidence show that those shots were returned from the other side of the street?

Answer. The evidence showed that there was a promiscuous firing around the court-house gate and from the middle of the street. The people were just mixed up out there; negroes and white folks.

Question. Were those thousand white people mostly democrats?

Answer. Yes, sir; the white people were.

Question. You think there were a thousand around the square?

Answer. I believe there were, for they predominate in this corporation.

Question. I believe you say in the whole county there are not exceeding fifty white republicans?

Answer. I say that, to the best of my opinion, they do not exceed fifty; that has been the exhibit made here on the vote.

Question. Was their strength any greater then than now?

Answer. I think they are stronger now than they were then.

Question. Then the presumption is, that of the thousand white people around the square, the great majority were democrats?

Answer. Clearly so.

Question. Did the evidence taken by you show that they were armed?

Answer. These white people?

Question. Yes, sir.

Answer. None, whatever.

Question. From whom did those shots in the street proceed?

Answer. If you mean by arms, shot-guns; I cannot tell when a man has a pistol under his coat. Some of you may be armed now.

Question. A man is armed when he has a pistol.

Answer. But I did not know, and the witnesses did not state it.

Question. Did the evidence show where the firing proceeded from in that white crowd?

Answer. The evidence showed that the firing occurred near the eastern gate of the court-yard, in and around that gate, and about the middle of the street, from the curbstone of the pavement and the court-house gate; the firing occurred in that space.

Question. Was there an anticipation during the day that there would be a riot; did you hear it talked of?

Answer. I did not.

Question. No apprehensions expressed?

Answer. I heard none whatever.

Question. The Ku-Klux, however, apprehended it?

Answer. It seemed so, from their going in here.

Question. Most of them, you believe, came from the town itself?

Answer. I believe a great many of the young men of this city at that time were members of that organization. I do not know it; it is my suspicion.

Question. Did you hear any threats emanating from anybody there at that time in relation to what he would do under certain circumstances?

Answer. I did not.

Question. Had you yourself any apprehensions of a riot that day?

Answer. None in the world; no more than you have now; because I was quietly attending a theatrical performance at the time they came in.

[At 1 o'clock and 45 minutes the committee took a recess for one hour.]

By Mr. BLAIR:

Question. The chairman of the committee put a question whether the southern people did not renounce their allegiance to the General Government when the war commenced; I will ask you if the Government of the United States did not maintain the doctrine that you could not renounce your allegiance?

Answer. That is what I understood all the time; that was the issue.

Question. You were for renouncing your allegiance, and they maintained that you could not renounce it?

Answer. That we could not renounce it; that we were still citizens when the war ended as we had been before.

Question. Well, the General Government conquered in that fight?

Answer. It did.

Question. And, therefore, maintained the point that you could not renounce your allegiance, and were still citizens of the United States?

Answer. We so understood it, and accepted it in that way.

Question. Then you maintain, that that being the case, you did not lose your citizenship?

Answer. We did not, according to my opinion and understanding of these matters.

Question. And being citizens, you could not be punished by any legislative enactment?

Answer. We could not; we could only be punished under the Constitution of the United States by the courts organized under that Constitution.

Question. Of course, I do not want to take the witness over the history of the country but I want to make that clear, that the punishment inflicted by legislative enactment was in the nature of an attainder, which is denounced by the Constitution?

Answer. Yes, sir; in the nature of a bill of attainder, which we think is inimical to the spirit of the Constitution as well as to the letter of it.

Question. You have referred to acts done under the flag, in speaking of the feeling which your people entertained for the flag of the United States, as emblematical of its authority and sovereignty, and you referred to acts done under that flag to people who were the friends of the Government. In your own town of Athens, in Limestone County, I understand you to say that the large majority of the people were friendly to the Government?

Answer. They were certainly friendly to the Government; there was a prevailing sentiment in that county in favor of the maintenance of the Union at the time that the State seceded; that sentiment existed there for a long time after the State seceded; it existed to a considerable extent after the war broke out. Among the young men who entertained these Union sentiments, the great majority of them went into the confederate army, but those sentiments were still maintained and adhered to by a great many of the older men of the community who were left there, and could not be called into the confederate army; and I say that that sentiment, living and existing among those older men, was entirely crushed out by the enormities and barbarities perpetrated by General Turchin.

Question. State what were the acts committed by General Turchin, and state whether at the time he arrived in Athens they were the first United States soldiers which visited that town, or what was the case in that respect.

Answer. They visited Athens soon after General Mitchell took possession of this town, in 1862; that is my recollection; I cannot recollect which month; I was myself in the confederate army at the time. They came to Athens—so I was told by my father, who lived there on the main street; that entering the town on that street, General Turchin came in with his command, and it was halted; that it extended up and down the street, and part of it was in front of his residence, and that he heard the order given by General Turchin that he would shut his eyes for two hours to all that the soldiers might do.

Question. What did they do?

Answer. Well, sir, I can speak of what was done particularly in my father's house, and what was done in the neighborhood, above and below it. I heard the citizens generally speak of what was done in their own houses. In my father's house they came in at just about sunrise; I remember he told me that he was not dressed when he heard this command given by General Turchin, while he was standing at his window; that before he got dressed a great number of soldiers had come into the house, and up stairs, and gone into the room that my sister, a young lady, occupied, while she was in bed; that many of them entered there, and that two or three guns or pistols were discharged in the room; and they did various things that offended and insulted him. My sister got up and dressed while they were in the room, greatly alarmed and frightened, he told me; so much so that she had a spell of fever afterward from the fright she received. As to what they broke up in the house, I do not know what was done. They afterward took possession of that house, though, and he staid in one room with my sister while these soldiers were there. The officer, whoever he was, who was particularly in command, gave him one room in a house of eight rooms, and they took possession of the culinary department and carried on the household generally. He was allowed to be a guest at his own table. Our neighbor, Haywood Jones, suffered in a similar way, so he told me; that General Turchin's troops, most of whom were foreigners, had no conscience, no scruples whatever in doing all kinds of violence. General Turchin was afterward put on trial up here and court-martialed, and my sister, Miss Richardson then, was brought up as a witness in the case, and my recollection is—and I am quite sure that I am right about it—that she said that one of the soldiers attempted to violate the person of a colored girl in her room, or in her presence at least; that she appealed, I remember she said, to an officer from Kentucky, who gave them protection after that, and cleared the house of soldiers; they then staid there for two or three days, or a short time, until the command got organized and disciplined, and the soldiers were taken away from the house and only occupied an office in the yard, a brick office, that I had once staid in.

Question. What was the result of the court-martial?

Answer. I understood that General Turchin was cashiered, and before the sentence had been published he was promoted from the position of brigadier general to that of major general. That is what I heard. I know General Turchin was afterward in the United States Army, because I think he was said to have been at the battle of Chickamauga with a command, a battle I was engaged in myself as a soldier. But the complaint of the people of Athens was very great. General Buell afterward came through here, and rectified and modified as much as he could, so the people all said, the conduct and action of these soldiers in that town, and seemed to be willing to ameliorate in every way he could the sufferings of the people.

Question. Notwithstanding this usage, and all the losses and suffering of the war, I understand you to say it is your belief that the people of the South, as a body, have submitted to the arbitrament to which they themselves appealed?

Answer. I think that they have submitted in perfect good faith, and I believe they are honest and sincere in seeking to do those things which are well calculated to bring about peace and harmony, and restore good feeling among all the people of this country.

Question. And that they have now no hostility to the Government, no purpose or intention to overthrow it, and that their only hostility is to certain doctrines of the administration?

Answer. Yes, sir; I do not think that any man who is reasonable or sane in this country entertains the slightest desire or wish to overthrow the Government, and that the only hostility that they have got is to certain legislation which they think is unfriendly to them, and which oppresses them.

Question. And which they consider unfriendly to a republican form of government?

Answer. They do consider that legislation unfriendly to a republican form of government.

Question. The reconstruction acts referred to, by which governments were to be imposed upon the Southern States against the wishes of the people, the inhabitants of those States, you regard as not only unfriendly to a republican form of government, but as calculated to exasperate and keep alive the animosities engendered by the war?

Answer. I do consider those acts as well calculated to continue the bitterness engendered by the war, and that the best and safest remedy to wipe out and remove all those animosities and prejudices that were created and engendered by the war is by a general amnesty bill. I believe that would tend more to give the people satisfaction than anything else that could be done.

Question. Is it your opinion that, if the Government had acted upon the suggestions of Mr. Lincoln before his death, for universal amnesty, and the policy pursued by Mr. Johnson, the fraternal feeling between the sections would long since have been resumed?

Answer. I believe that would have restored the allegiance of the people to the Union earlier than anything else that could have been done; that their old affection, and interest, and fondness for the flag and the country would have returned, and that they would have labored and striven earnestly to have forgotten all of those bad feelings which had been created.

By Mr. BUCKLEY:

Question. Do you recollect whether the reconstruction policy of Mr. Johnson, which has been spoken of, treated these Southern States as having any lawful State governments at the close of the war?

Answer. It did not; at least to this extent, it appointed provisional governors—they were called by the name of provisional governors—in the Southern States. The term "provisional" would imply that it was not an absolute and unqualified government that they were presiding over.

Question. Did he not in his proclamation—the first one he issued, providing for the restoration of civil government in North Carolina—state in the preamble of that proclamation something to this effect: "Whereas no legal State government exists in the State of North Carolina, I, Andrew Johnson, issue this proclamation," &c. Was not that a part of the preamble?

Answer. I do not remember the preamble of North Carolina that you speak of.

Question. You were living, at the opening of the war, I think you stated, in Athens?

Answer. Yes, sir, I was.

Question. When did you leave there?

Answer. I left there some time in either May or June, I will not state which positively, in a company, and came to this place, and remained until November.

Question. But I mean subsequent to the war; you were living in Limestone afterward?

Answer. Yes, sir; I returned to Limestone in June, I think it was, 1865.

Question. Were you living at Athens on the day of the presidential election of 1868?

Answer. No, sir, I was living here.

Question. Do you know or have you heard whether any band of disguised men rode into Athens on the day of that presidential election, or that night?

Answer. I do not now remember whether I ever heard of any disguised men riding into Athens on that day.

Question. How soon do you think this Ku-Klux Klan was introduced into the State?

Answer. I think that the organization was introduced into Alabama—well, sir, very soon after its formation, its origin, which took place, I am informed, in Pulaski, Tennessee.

Question. At about what date was the formation?

Answer. I think that was in 1867; I am not positive. It came to Alabama very soon after that, because the Alabama State line was right there, very near Pulaski.

Question. In the early part of the examination you spoke of a law which was considered very oppressive, and was looked upon as being very obnoxious to the people here; had you reference to the act to suppress murders, lynching, assaults and battery, approved December 28, 1863, or the act for the suppression of secret organizations of men, disguising themselves for the purpose of committing crimes and outrages, approved December 26, 1868?

Answer. I had reference particularly to the latter-named act. My attention was called to the preamble, and I was asked if I thought it stated the truth.

Question. Previous to that you spoke of a law, and I did not understand your answer, whether you meant this law in regard to secret organizations or another law of a similar character, for the suppression of murder and lynching.

Answer. My answer was directed principally to the law in reference to disguised men.

Question. The one that contains a provision that no penalty should be attached to killing a person in disguise?

Answer. Yes, sir.

Question. You felt that that clause was wrong?

Answer. I felt that that clause was very heinous, for any citizen who entertained personal dislike to another could shoot him down and place a disguise near him, and justify himself thereby; that could be done; that was an abuse to which it was liable.

Question. Aside from that, you think the law now a good one?

Answer. I say this about it: I would not remove that law from the statute-book today, for this reason, because I believe there are men in this country who have been perpetrating outrages; I believe they are highwaymen and robbers.

Question. Under disguise?

Answer. They go in disguise and sometimes open and above-board. I believe there are such men in this country, and for that reason we ought to have the most stringent law, to arrest such things, that we can obtain, and therefore, if I was a member of the Alabama legislature, I do not think that I would vote to repeal the law as a whole; there is a good deal I could alter in it; I would rather have it than no law at all on that subject—a great deal rather.

Question. Have you heard that the commanding officer of the troops here has given permission to his men to shoot men they see riding the streets in disguise?

Answer. Never.

Question. You never heard that?

Answer. I never heard that such permission was given by General Crawford or any other commanding officer.

Question. You spoke of a gentleman named Sheets.

Answer. C. C. Sheets.

Question. Who is he?

Answer. C. C. Sheets was originally from Winston County. He is now a minister to Denmark.

Question. Or consul?

Answer. A consul to Denmark. He was a republican.

Question. What was the nature of the promises that he made?

Answer. He told me himself that the Ku-Klux had come to the Florence Hotel, where he was staying, and had an interview with him, and told him that he must cease his inflammatory speeches; that he must not—I will state the substance of his language, of course—that he must not any longer appeal to the passions and prejudices of the negroes, as he had been doing. He told me that he promised them to do it. That day he made a speech here.

Question. That same day that he made the promise?

Answer. No, sir; the day he told me; that day he made a speech here, and did appeal to the inflammatory elements of the negro in a very decided manner.

By the CHAIRMAN:

Question. Did you hear the speech?

Answer. I did, sir.

By Mr. BUCKLEY :

Question. Are you acquainted with a gentleman named William R. Chisholm, in an adjoining county to this?

Answer. I know a man in Lauderdale named Tol Chisholm; that may be the name. Now I remember, there is another Chisholm there who was a member of the Alabama legislature.

Question. Is he a man of respectability?

Answer. Tol Chisholm is.

Question. Is William R. Chisholm?

Answer. My difficulty is to know who William R. is.

Question. I think he was a member of the legislature.

Answer. Then I am not acquainted with him.

Question. Do you know anything against him?

Answer. I do not.

Question. Why I asked is, because I have a copy of a report made by a joint committee of the Alabama legislature, upon outrages. It seems a committee was appointed in pursuance of a recommendation of the governor. The first paragraph of the report reads thus:

"The joint committee, appointed by this general assembly, pursuant to the recommendation of his Excellency Governor William H. Smith, (of three on the part of the house, and two on the part of the senate,) whose duty it was made to investigate the recent alleged outrages perpetrated by armed bands of outlaws upon members of this legislature, and other good and law-abiding citizens of this State, and to report by bill, or otherwise, at the earliest day practicable, what measures may be necessary for the vindication of the law and future power of the State, approved November 14, 1868, ask leave respectfully to report that they entered at once upon the work assigned them, and that they have been unceasing in their efforts, in the discharge of their duties under the powers with which they have been invested."

It seems that they took some testimony, and I have here the testimony of Mr. William R. Chisholm, who was called before the committee, and was sworn and testified. I want to know if you refer to the promise Mr. Sheets gave on the 30th of October of that year, 1868, under those circumstances. Mr. Chisholm testifies that:

"On the 30th of October last, while on my way to the general assembly of Alabama, and while in Florence, Alabama, I saw an armed band of masked men at a public hotel of the town; they were dressed in black, and were about twenty-five in number. I met Colonel Sheets, Grant elector, at the hotel, and at night we both occupied the same room. Colonel Sheets had made a Grant speech in town on that day, and I noticed was quite restless after we retired, and expressed fears that the Ku-Klux would attack him. At about 10 o'clock a negro boy appeared at our room door, and informed Sheets 'that the Ku-Klux were in town,' which information alarmed him very much, and I think he would have attempted to escape from the room, but was fearful the house was watched. At about 12 o'clock we heard a great rumbling noise in the house, as if a large number of men were approaching our room. When Sheets heard the noise, he sprang up in his bed, and said to me, 'The Ku-Klux are coming,' when he immediately sprang from a window in our room, communicating with a porch, and ran down the porch, and endeavored to make his escape through another man's room. By the time Sheets had ran some distance down the porch, the masked men had approached the door of the room, and demanded admittance. I at once opened the door, when about ten or twelve armed and disguised men rushed in the room, and almost simultaneously demanded of me, 'Where is Sheets?' 'Where is Sheets?' I replied as rapidly as I could, 'He has jumped out of the window.' Several of the armed men looked under the beds for Colonel Sheets, and others went through at the window in pursuit of him. After arresting Sheets, I heard them ask him who he was, and heard him reply, 'My name is Sheets; I am a cripple and alone; there are twenty or thirty of you, and you can hang me, or shoot me, or do as you please with me, but I request you, if you are going to kill me, to do so here, as I do not wish to be carried to the woods and killed.' After some further conversation with Sheets, they marched him under guard to our room, where I still remained. I handed him his clothes; he put them on, and was ordered off by the men who had him under guard. He appeared to be of the opinion that they were going to kill him, and as he was marched off, handed me his watch and pocket-book. Immediately afterward I was ordered to 'put on my clothes,' and was conducted by them to another portion of the house, where I was joined with Colonel Sheets. After keeping us under arrest a short time, we were turned loose, and told we could return to our room. The disguised men charged Sheets with having called them murderers and scoundrels. Sheets replied that the remarks he made about them was not of a personal, but of a political nature, and I now think that the conditions upon which they spared his life were, that he would not make any more such speeches as he had made, having reference to them. I was not threatened, but was treated discourteously and insultingly by them. I had violated no law, but was placed under arrest by them. Their faces and persons were completely disguised from recognition; they also disguised

their walking and voices. They were disguised in such a way as caused me not to know any of them.

"I have seen three other parties of disguised men at different times, at my home in Lauderdale County. They generally came at from 10 to 12 o'clock at night, and remained but a short time, without doing much damage; in fact no hostile demonstrations were made toward any one at my home.

"WILLIAM R. CHISHOLM.

"Signed and sworn to, after being read over and approved by affiant, 14th November, 1868.

"G. T. McAFEE, *Chairman.*"

I want to know if you refer to the promise Colonel Sheets made at that time to those men not to make any more speeches?

Answer. The only thing I know of in regard to that is what Colonel Sheets told me himself. It must have been on that occasion, because that states it to have been the night of the 30th of October. This riot occurred between the 30th of October and the 3d of November, according to my best recollection, and from that, I think, it must be that interview that the Ku-Klux had with Mr. Sheets that he referred to in talking to me; for he told me he had just been molested by them in Florence, and he stated to me that he had giving a promise to them not to make the speeches he had been making formerly.

Question. What time in the day, Saturday, did the speaking commence here?

Answer. About 11 or 12; either 11 or 12; there was a large crowd in town—a large attendance.

Question. In the night-time did you see any white men inside of the court-house yard?

Answer. I was not inside of the court-house yard at all.

Question. You do not know whether any white men were here that night?

Answer. I do not know except as I heard; I heard that white men were inside of the court-house.

Question. Inside of the court-house yard and fence?

Answer. I do not remember to have seen any white men at all in the court-house yard, though there might have been some, and doubtless were.

Question. You were in the theater at the time the difficulty commenced?

Answer. I was, when the announcement was made that they were coming in.

Question. You do not know whether it was a promiscuous crowd inside the court-house yard or not?

Answer. I only know that when I came up from the theater there was a large number of white people on the side-walks.

Question. Have you any reason to believe that any of those men who were dismounted and undisguised about the streets were members of that Ku-Klux organization?

Answer. I have none whatever for believing they were.

Question. It was stated in the testimony here yesterday, I believe by Mr. Davis, that the undisguised men who were on the ground about the yard were members of the organization, or a part of them at least. Do you agree with him in that?

Answer. I do not, for this reason, that, as I stated before, I believe that the procession that night embraced pretty much the entire membership of the Ku-Klux organization.

Question. I understood you to say that there were about one thousand white people here?

Answer. To the best of my belief.

Question. Do you usually have that many white democrats who attend republican meetings in this town of Huntsville?

Answer. I did not say they were all democratic voters; there were a good many children around on the square, who came up as a matter of curiosity, but as soon as there was evidence of disturbance and trouble they all left.

Question. What I would like to ask is this: do you think there was any connection between that republican meeting, on Saturday night previous to Grant's election, and the appearance of the Ku-Klux upon the streets?

Answer. I do. I think it for this reason, that there had been various and numerous threats made that day that the Ku-Klux could not come in here. I heard it repeatedly on the streets during the day. I paid no attention to it, for the reason that I did not expect the Ku-Klux.

Question. Did you hear, about 12, that the Ku-Klux would appear in town that day?

Answer. I did not; and as the best evidence that I did not think they were coming, I was quietly attending a little Thespian performance in the theater.

Question. Do you recollect the name of the gentleman who approached you in that instance which you mentioned to join the organization?

Answer. I remember it to this extent, as I stated. I did not think it could be accepted as a direct overture to me to join, for the reason that they knew my sentiments, and that I would not join.

Question. Do you know the name of the gentleman who approached you ?

Answer. I do.

Question. The same one who showed you the certificate ?

Answer. It was not the man who showed me the certificate.

Question. That was the second one, in point of time, but the first one you related ?

Answer. I said this man approached me—a man unknown to me—and he had a certificate unknown to me, that he was all right, and that I could give him a "precept," and my suspicion was aroused, because he alleged that he came from a neighborhood in Limestone that I was acquainted with.

Question. Did you see the name of the gentleman who presented the certificate in the certificate ?

Answer. I certainly saw the certificate recommending this man, but I do not remember his name.

Question. You saw the certificate recommending him as all right ?

Answer. Yes, sir ; and that I could take him into my confidence, and that he was trustworthy, but his name I do not remember, because he was an entire stranger to me.

Question. At what time did the Loyal League exist in Athens, of which you spoke ?

Answer. I think that the first time that I remember the existence of the Loyal League there was in 1866 ; I think it was some time in 1866.

Question. That was before the reconstruction measures were passed ?

Answer. Yes, sir ; it was before the passage of the reconstruction laws.

Question. Then it was before they had the privilege of voting ?

Answer. O, yes, sir ; the Loyal League existed before the right to vote was given to them. It is my recollection that Captain Bingham organized a Loyal League long before the right to vote was conferred on the colored people.

Question. Did you say the present probate judge made a good officer ?

Answer. I said he keeps his records and dockets in a very good condition, so much so that when, as a lawyer, as I have frequent occasion to visit his office, I never have any difficulty in finding a paper or record ; that the mechanical part of the office is admirably kept.

Question. How does he compare with the former judge ; some comparison has been made here by some witness ?

Answer. His immediate predecessor, you mean, of course, Judge Scruggs ?

Question. I think that was the name. Colonel Davis spoke of him.

Answer. Well, sir, he keeps the office in a much better condition than Judge Scruggs did.

Question. He is a northern man, is he not ?

Answer. He is.

Question. Did you ever hear that his predecessor was a defaulter to the county for several thousand dollars ?

Answer. I heard that there was some difficulty between Judge Scruggs and the treasurer of this county about money that Scruggs had received as probate judge, which he should have paid over to the county treasurer.

Question. Received from what source ?

Answer. I do not know from what source. I merely heard that. The way I heard it was, if I remember correctly, through Mr. Lowe, who was then the district attorney. I am sure that I heard after that that Judge Scruggs had straightened the matter up to the satisfaction of the county treasurer, and that it was all right. How he did it, or what the amount was, I do not know.

Question. Did I understand you to say that there was a colored man by name of Charles Hale, who had some colored men under arms the day of the riot ?

Answer. That is what the witnesses said in testimony I took.

Question. Do you know whether or not Charles Hale was that day a deputy sheriff, acting under the orders of the sheriff of the county ?

Answer. I know he had been ; he was afterward the deputy sheriff ; whether he was or not at that time I do not remember.

Question. You had heard he had been ?

Answer. I know he had been and he was afterward ; he may have been at that time. I do not remember the testimony on that subject ; my memory preponderates to the belief that he was deputy sheriff at that time.

Question. Do you know whether or not the men he had with him were his posse, men selected with a view of acting under his orders for the purpose of keeping the colored men orderly that day of the meeting ?

Answer. I do not.

Question. Did you ever hear that that was the case ?

Answer. I never did.

Question. You saw nothing improper that they did ?

Answer. During the day ?

Question. Yes.

Answer. I did not.

Question. Speaking of amnesty, has not the republican party of this State uniformly urged the removal of all political disabilities ?

Answer. Well, sir, I may be compelled in answering this question to quote Mr. Davis again as a republican.

Question. Well, quote him.

Answer. He has always claimed to be a republican and strongly advocated general amnesty.

Question. Did not the State republican convention held at Selma last year, in its resolutions, declare its desire to have all political disabilities removed ?

Answer. My recollection is that it did.

Question. It had been done previous to that also, had it not ?

Answer. I do not remember that, but my recollection of the republican convention at Selma is that it did recommend general amnesty.

Question. What has been the conduct and behaviour of the colored people in this part of the State since the surrender ?

Answer. Well, sir, take the mass of the colored people and I do not think that the people have any cause of complaint whatever in their conduct, or in their courtesy and politeness toward the people at large generally.

Question. That is the general impression through the county, is it ?

Answer. That they have conducted themselves well—that they have been quiet and peaceful.

Question. You have noticed here, during your residence in this county, no disposition on the part of the colored people to arm themselves, or to be boisterous, or to go about the country creating disturbance in any way ?

Answer. I have never noticed a disposition on the part of the colored people to go about the country creating disturbance. I noticed, and was in outside attendance of several meetings in 1868, in which the negro orators or speakers were very extravagant in the expression of their sentiments of hostility toward the people of the South, and of the town. I remember one instance in particular : a colored man named George Williams, who pointed from the steps of the north end of this court-house to the buildings round the town, and said that if the people of the South did not accord to them their rights as citizens, remember that it was through their labor and toil that all these buildings were constructed, and that they could destroy them ; that was the idea in substance.

Question. Have you known any depredations in the country committed by small squads of three or four or five negroes traveling about ?

Answer. No, sir. I have heard of no bands of depredating negroes ; so far as my knowledge or information goes, the negroes have conducted themselves very peaceably and orderly, and behaved themselves well.

Question. And, considering their liberty, you think they have behaved as well as you could expect them to ?

Answer. I certainly did not expect them to do as well, and I think we would never have had any trouble with them at all if there had been no Loyal Leagues or unkind feeling, and if the negroes had been just let alone, unmolested, untampered with by persons who do not know the negroes as well as the southern people, who I consider their very best friends.

Question. Even under these aggravating circumstances you have not been troubled much with them ?

Answer. No, sir ; not by the negroes ; it is not the negroes we complain of.

By the CHAIRMAN :

Question. In that speech you referred to, made by Mr. Sheets, did he counsel the negroes to any acts of violence unless they were interrupted in their rights ?

Answer. My recollection, Mr. Chairman, of the main point made in Mr. Sheets's speech, which was inflammatory in its tendencies, was that he said to the negroes, "If you were not so weak-kneed and so cowardly these Ku-Klux could not parade through the country." That is in substance what he said.

Question. Had he not been referring to the Ku-Klux as having interrupted the colored men in the enjoyment of their rights ?

Answer. O, yes, sir ; he had been speaking of the Ku-Klux riding through the country and molesting the colored people, and he alleged, as radical orators did at that time, and do, that the purpose and object of the Ku-Klux organization was to trample down the negroes and keep them from voting the republican ticket.

Question. And his counsel was that they should arm and defend themselves ?

Answer. That they should defend themselves ; that they were strong enough to do it physically and in numbers, and if they did not do it, it was because they were weak-kneed and cowardly ; I think that was the exact expression.

Question. If his premises were right, and the Ku-Klux had been interfering with the negroes, breaking open their houses, and whipping and otherwise maltreating them, do you not think his advice was proper ?

Answer. If his premises were right, I would not think his advice wrong, but I thought his premises entirely false.

HUNTSVILLE, ALABAMA, *October 12, 1871.*

HENRY HAMLIN (colored) sworn and examined.

By the CHAIRMAN :

Question. Where do you live?

Answer. I live in this county—Madison County.

Question. Have you ever been whipped by the Ku-Klux?

Answer. Yes, sir.

Question. When?

Answer. About three years ago.

Question. Where?

Answer. Down about three or five miles, at Trinity, down below Decatur.

Question. What county is that in?

Answer. In this county.

Question. What were you whipped for?

Answer. I couldn't tell you what it was for.

Question. Who whipped you?

Answer. I didn't know none of them. I went away from here, down on the railroad, to work on the railroad. I was a stranger down there. I hadn't been down there more than two weeks when they came there one night. The hands had gone to bed, and they knocked at the door and told us to open the door. Nobody would open it, and they kept saying, "Open the door, old man," and nobody would open it, and after a while they took the breech of a gun and mauled it open. They knocked all the plank off and came in, and said, "Give up those guns and pistols." We told them we didn't have none; he said, "You are a damned liar;" we said, "We haven't any;" he said, "Yes, you have," and then they carried us on to the horses, and tied our hands behind us; they tied my hands behind me, and they tied that man's hands to me on that side, and that man's hands to me on the other side. All were tied together, and they marched us across the railroad. And another man, his family and wife, staid in a shanty; they came up there; bum! bum! bum! "Open this door!" This black man heard it, and slipped through the window to get away; they ran through the window after him, and across the field, shooting, and I heard them catch him as he was running in his drawers, bare-headed; they fetched him back and first tied him. This black man asked them to let him go and get his shoes and pants; no, they said they wouldn't let him, and they carried him on up in his drawers and shirt-sleeves, bare-footed, and wouldn't let him get nothing, and the others in there were taking what money his wife had. He had been on the railroad three or four years; he had something like \$300—a good deal of money. While they had us, the rest of them were in there robbing and taking the money from his wife. She was scared and was hollering, and they came out and caught up with us after we got three or four miles on, and one fellow says, "O, by God, we made a damned big raise to-night; damn it, we got a big raise." He meant he had got a heap of money. Then they carried us on up to the graveyard, about seven miles from there; they just rode over us, galloped over us, and made us run, and kept riding over us. We would fall down, and they would ride plumb over us. They hollered, "Get up, God damn you," and said, "I will blow your God damn brains out," and so driving us on; when they carried us out there and we saw the graveyard, the boys commenced to keep up such a fuss, seeing the graveyard and thinking they were going to kill them and bury them, and they hollered, 'O, Lord, I am going to die; I can't do any more; I am overpowered; I have to go.' Then they told us, "Boys, we are not going to kill you, but whip you. I am going to whip you, not kill you;" and they told us not to be onrestless; and they said they were going to make us know that they were going to rule this country. They said, "You God damned fellows going about here think you do as you please, but I'll let you know you shan't. We have just come from hell, and we rule you all. I have not had any water for three or four days." They were talking fine voices—sharp voices. He said, "Do you know me?" I said, "No, I don't." He said, "Well, you will know me." Well, they whipped us up there. The first man got away, down at the shanty, and they caught him, and he got away again, up at the graveyard, as they were untying him. They got us up there all in a line, every man all around like a guard, with his pistol cocked, so that if you were to raise to run he would shoot you. This man got loose up there. I don't know how. They shot at him three or four times, every one of them did. They aimed to shoot him, and shot his horse in the side. The man run, and by running among the horses and bushes he got away and saved himself, and got back. We had been whipped, and we had come on back to the shanty. We were so sorry, and they had whipped us so bad, and we were so bad we couldn't lay down, and it was day; and we saw him, before day, coming around there that morning, and we told him what they said to tell this fellow, that they would make his coffin, and set it in his house, and damned if they were not going to have him anyhow. They would get his coffin and set it in his house; that they were going to have him. They took another man down—one of the old hands that had been working on the road before I was. I didn't know about him.

They took him down first. The reason they were whipping us was, they said, because we didn't go to the meeting. They had a meeting down there on Saturday, and the old ones wouldn't go because they knew more about it, and they said they were not going; that the negro was going to take side with the white folks.

Question. What kind of a meeting was it?

Answer. It was a meeting with speaking.

Question. Was it a democratic meeting?

Answer. The negro wanted to be with the white folks. He said that he was holding the kind of meeting you spoke of.

Question. Democratic?

Answer. Yes, sir; they went for that kind of men. Because this man that was working with me didn't go to hear them, they took the spite out on him, and whipped us about it. That's what they told us.

Question. How many men came to your shanty that night?

Answer. About twenty; I think, in all, twenty came there, but there was more of them.

Question. Did they come on foot or on horseback?

Answer. They left their horses right down in the bottom, about one hundred yards off, and walked up.

Question. Did you see the horses afterward?

Answer. I saw them.

Question. Were they covered?

Answer. Yes, sir; they carried me right up to the horses.

Question. What were they covered with?

Answer. With white.

Question. What did the men have on over their faces and bodies?

Answer. White gowns, that came down to their knees, and scoloped over the face; you couldn't see his face, and he had a high hat on the head.

Question. Was the face painted?

Answer. No, sir; they had the face covered so we couldn't see. They whipped the first one pretty badly.

Question. What did they whip him with?

Answer. With one of these pistol-holsters that comes around. They let him down and whipped him. They laid down a fence-rail, and tied his hands and feet to it, and seven men whipped him at once. They whipped him so bad he couldn't turn over, and he couldn't get home.

Question. Did they have hickory?

Answer. No, sir; just leather straps.

Question. What did they whip you with?

Answer. Leather straps.

Question. How many lashes?

Answer. I couldn't tell you. I never was whipped so much in all the days of my life.

Question. Did it make the blood run?

Answer. Yes, sir; it blistered me all over. I sometimes feel the pain coming back in my back now; I never have got well from it; it hurt me so bad.

Question. How many of you colored people were whipped by that party?

Answer. There wasn't but four.

Question. What time of night was this?

Answer. I think it was about 11 o'clock in the night.

Question. Did they accuse you colored men of voting the radical ticket?

Answer. Yes, sir; a heap of them did. They were talking and trying to make me tell something about the Union League they had up here. After they found out I came from Huntsville they wanted me to tell something about the Union League; I told them I didn't know anything about it; they said, "It had been down at Decatur;" I knew they had a gathering down at Decatur once; he said I was along in the crowd, he was told; I told him I wasn't there, that I knew they went down there; he tried to make me tell about some man that was at the head of it; I don't know who it was now; they tried to make me tell; I told them I didn't know who was at the head, and I didn't know. Then they whipped me and whipped me, and then I wouldn't tell, and one of them thought he would take up a fence rail and kill me, but the captain of the Ku-Klux said, "No, let him up; don't hurt him any more; you have done enough to him." One said, "Damn me if I don't kill him," and the captain got sort o' mad because they wanted to kill me, and he wouldn't let them; he said no, I should not be killed, and he didn't go to kill me. Then they let me up and took another man; that man is out here now; they whipped him; he would raise up his head every once in a while when they were whipping him, and one of them had brass spurs on, and he struck him in his face with the spur; he struck him on the top of the head about that deep, (two inches;) they took two bones out of that man's head, and he bled a great deal. After

he got well, as he thought, and got the wound cured, it broke out again, and the doctor took two bones out of it since.

Question. What did they tell you you must do when they left you?

Answer. They told us we must go home and go to work on the railroad, and be good boys, and when they came across us again they wouldn't hurt us; but that other man that got away, named Scruggs, they told him they would make his coffin, and set it in his house, for they were going to kill him.

Question. Kill him for what?

Answer. They didn't say. They said he had been talking some big talk, they heard, and they were going to kill him, and they shouldn't talk such big talk; that we had got so here that we thought we could rule this country.

Question. Did they call themselves Ku-Klux?

Answer. Yes, sir; they said they were just from hell; that they had had no water for three or four days at a time; they said God sent them down here, and they were going to rule us.

Question. Did you see them drink any water?

Answer. No, sir; they came and asked for a drink of water, and we told them we didn't have any, and he said it was a damned lie; he would have a drink; that he hadn't had any for three or four days.

Question. Did he tell you how to vote?

Answer. Yes, sir; at this time General Grant's election was coming, and it was done before his election come on.

Question. How did they tell you to vote?

Answer. They told us to vote for Seymour or Blair; one of them men.

Question. What was the name of the colored man who had the money; the \$300?

Answer. Scruggs.

Question. You say they took all his money?

Answer. Yes, sir.

Question. Did they take any money away from you?

Answer. No, sir; I didn't have any down there.

Question. Did any of the rest of your friends have any money?

Answer. No, sir; not with me.

Question. Did any of you have any guns?

Answer. No, sir; not even a pistol. One from here said he heard one had a pistol, and said he was owning it, but he never got it.

Question. What did they accuse him of?

Answer. Of being a Union League; that was what he said; he said I must go home and be good, and vote.

Question. Vote for Seymour and Blair?

Answer. Yes, sir; they said they are our men, and the country belonged to them, and we must give them our vote.

Question. Did they say they would lick you again if you didn't vote for them?

Answer. No, sir; they didn't say they would lick me.

Question. How many lashes do you think hit you?

Answer. I couldn't tell you; but I think it was something like a thousand; I think seven men whipped me at once, and every lick was a hard one. I never was whipped so bad in the days of my life; I thought my time had come to die; I just gave up to die; I couldn't do any other way; that's the first time I had been in trouble in my life.

Question. Did you know who these men were?

Answer. No, sir.

Question. Did you men who had been treated in this way go and make complaint about it to anybody?

Answer. Yes, sir.

Question. Who to?

Answer. Mr. Williams here had charge of the depot; came on that day; he heard of it, and he saw us, and we aimed to catch him at Decatur, but we couldn't catch him before the train went along; he said it was away down below Decatur, and we could go on to go up to Huntsville; we told him about it and he got mad about it; said it was a mighty bad way to do, bothering the hands when they were taking rest at right, or running in on them in that way.

Question. You were all in bed?

Answer. Yes, sir, and asleep; we had been working pretty hard that day.

HUNTSVILLE, ALABAMA, *October 12, 1871.*

JESSE BROWN (colored) sworn and examined.

By the CHAIRMAN :

Question. Where do you live?*Answer.* Here in town.*Question.* Where were you born and raised?*Answer.* Below Atlanta, Georgia, ten miles below there.*Question.* How long have you lived in Madison County?*Answer.* I have been here ever since the war.*Question.* Were you a soldier in the war?*Answer.* Yes, in the Forty-fourth regiment.*Question.* Have you ever been whipped or otherwise outraged by the Ku-Klux Klan?*Answer.* Yes, sir; I have.*Question.* Tell the committee what the Ku-Klux did to you.*Answer.* Yes, sir; we were working on the railroad. One night about dark, or after dusk, they came in as I was getting supper and took us away up into the mountains, to the graveyard, and took me down and whipped me; they took me down, but couldn't get me down to whip me, and one of them took his spur and struck my head right here, and broke my skull here; I pulled out two pieces as big as my thumb nail.*Question.* How often were you struck by them?*Answer.* About a hundred lashes, I reckon. After they did that they tried to kill me but the captain said, "Don't kill him. I am not aiming to kill him."*Question.* How many men were concerned in the whipping?*Answer.* I can't tell you; there was so many whipped at that time, I couldn't tell.*Question.* As well as you could judge how many were there?*Answer.* As well as I could judge there was about twenty-five.*Question.* Did they have on disguises?*Answer.* Yes, sir; false faces, and all the rigging.*Question.* Long gowns?*Answer.* Yes, sir; long white gowns, some black.*Question.* Were they on horseback or on foot?*Answer.* On horseback.*Question.* Were the horses covered?*Answer.* Yes, sir; but they were sorrel horses, every one of them; all of them were sorrel.*Question.* Do you mean that the covering was sorrel?*Answer.* No, sir, the horses were sorrel; the covering was white.*Question.* Were these men armed?*Answer.* Yes, sir; they had guns and pistols.*Question.* Had you gone to bed when they came in?*Answer.* No, sir; I had not got through supper; just came in from the railroad.*Question.* Whose shanty were you boarding in?*Answer.* John Troxel on the railroad; he is now on the Mobile and Ohio Railroad.*Question.* What did they say when they came to the shanty?*Answer.* Nothing but open the door, and we wouldn't open the door; we wouldn't open it, but they rared and pitched so that they sheered the door up and broke off the latch.*Question.* What did they do?*Answer.* They only took us up in the mountain to the graveyard.*Question.* What did they say they were taking you up there for?*Answer.* They didn't say. I asked them, because I hadn't been there but two weeks.*Question.* Did they look for guns?*Answer.* Yes, sir; they looked for all they could find.*Question.* Did they find any in the shanties?*Answer.* Not in our shanty.*Question.* Did they search the other shanties?*Answer.* Yes, sir, all but two; one was in the section boss's yard, and the other down the road about one hundred yards.*Question.* Did they find any guns?*Answer.* No, sir. They took some of the boys' watches from them.*Question.* Did they rob anybody of money?*Answer.* Yes, sir, they took \$100 from a man named Scruggs; he is now at Decatur; and they took his watch too, a nice silver watch.*Question.* Did you know any of the men who were disguised?*Answer.* No, sir, they were strangers to me; I had just went over from here, and had been only two weeks there.*Question.* What did they do with you at the graveyard?*Answer.* They tied me down on a cedar pole; they tied my feet and hands, and I wouldn't put my head down for them to whip me, and he broke my skull.

Question. With a spur?

Answer. Yes, sir. I laid six months with it before I got well.

Question. How did he hit you?

Answer. When I went to raise my head up he kicked me with his big brass spur.

Question. How many lashes did he hit you?

Answer. He hit me, I reckon, about one hundred lashes.

Question. What did they say they were doing this for?

Answer. They didn't tell me what for; they wouldn't tell us that; they just came right in after us. The moon was shining as bright as day.

Question. How many did they take up?

Answer. They took up five of us in that house; the other two boys were in the house with the boys, and they didn't get them, Nat Tissig and Henry Thompson; they didn't get them.

Question. Did any of your party escape?

Answer. Yes, sir; these two made the escape. When they got Scruggs up there he got away; his horse was standing as far as from here to the chair, and his bridle rein was over his neck, and he jumped for the horse.

Question. Did he ride him away?

Answer. No, sir; he wasn't quick enough, but he ran himself and they shot at him. I was hardly able to get back; I wasn't able to get home next day.

Question. Did you have any consciousness after you were hit in the head?

Answer. No, sir; it pains me now; every time it goes to rain it bothers me a heap now.

Question. Did they say anything to you about your belonging to the Loyal League?

Answer. Yes, sir; they said that the Huntsville fellows belonged to the League, and this man that just went out (Henry Hamlin) said no, he didn't. I didn't say nothing then; I didn't say a word; they didn't give us a chance to talk, but went to beating us.

Question. Did they tell you how to vote?

Answer. No, sir; they didn't say nothing about voting to me.

Question. Did you hear what they said after you were struck by the spur?

Answer. No, sir; I didn't hear what they said. I believe I was the last one they whipped. When they struck me on the head with the spur they left me right off.

Question. You hadn't any senses left after that?

Answer. No, sir; I didn't know what they were doing. I just told you my best judgment; that's all I know.

Question. How long was this before the presidential election?

Answer. It has been three years ago.

Question. Three years this month?

Answer. Yes, sir.

Question. Did you ever have anybody taken up for this?

Answer. No, sir; I came to Huntsville as soon as it was done. The next morning the boys fetched me home. They had to walk home, and they had to tote me part of the way; I couldn't walk. I had to lay down all night, and couldn't get home, and when I got home I didn't know anything at all. Colonel Williams, down at the depot, knows the very time it was done. Some soldiers went down to Dacatur; they didn't get down to where it was done.

Question. Was anything ever done to these men that whipped you in this way?

Answer. No, sir; not a thing.

By Mr. BLAIR:

Question. Colonel Williams, where is he?

Answer. He is down at the depot; he is about here somewhere.

Question. Is he at the depot now?

Answer. Yes, sir; he stays there. He was there the last time I saw him.

Question. You say you were very badly injured and had to stay in bed for some time?

Answer. Yes, sir.

Question. Did you have any physician to attend you—any doctor?

Answer. Yes, sir.

Question. What doctor?

Answer. Dr. Ronan and Dr. Benford; he probed my head to see how deep it was cut. He said it just missed the brain-pan a little bit, or it would have killed me.

Question. Do they both live here?

Answer. Yes, sir. I haven't seen Dr. Ronan for a long time.

HUNTSVILLE, ALABAMA, October 12, 1871.

MAJOR GARDINER (colored) sworn and examined.

By the CHAIRMAN :

Question. Where were you born and raised ?*Answer.* At Gardiner's.*Question.* In what county ?*Answer.* In this county.*Question.* Did you ever see the Ku-Klux ?*Answer.* O, yes, sir ; I saw what they call Ku-Klux many a time.*Question.* Tell us when and where.

Answer. The first time I ever saw a Ku-Klux was on a Sunday evening, just about sundown. We were sitting on the fence ; as I sat there, some of them come on. I jumped down off the fence ; it sort of frightened me to see them coming. I was astonished too. I went in the house and shut the door, and there was a hail to have the door opened, and I locked it, and they rode on down. We had some horses there ; they rode like they were going to the stable and up toward the house. I says to Mr. Gardiner, "What shall we do?" Mr. Gardiner was my master—I staid there ; but after they rode down there they never got off of their horses, but went on and didn't pester us.

Question. How many were in that gang ?*Answer.* When I saw them, only about twenty-five. I know there was twenty-some, but I didn't count particularly, because so many were to count.*Question.* Were they disguised ?*Answer.* Of course they were disguised, so that folks wouldn't know them and swear what they were.*Question.* Were their horses disguised ?*Answer.* Yes, sir.*Question.* In what year was this ?

Answer. I think it was about two years ago ; it may have been a little over ; I saw them and went on in the house. That was on Sunday. On Tuesday night, next week, they sent word over there that they were coming. I was astonished. I went up and asked the white folks if they were going to pester us here. I went up and asked Mrs. Gardiner ; I was living on her place. Old master was sick with a sticking-plaster on his face. She said, "I don't know what to do, Major, but if I was you I would leave." I said I hate to leave my crop. My sister sent for me, and just as I got in the house I pulled off my coat and shut the door, and just as I shut it three balls struck in the door, and I don't know how it happened ; but it rained fifteen minutes about as hard as I ever heard it, and it thundered, and thundered ; and lightened. I was scared, and tried to get under the floor. We had only little wooden chimneys on the little houses built over the place. I ran out of the chimney, and I saw all of them ; I don't know how many I did see. I got out, and then missis told me to leave. She said she would hate to see me killed on her place, and then I left.

Question. How many were there ?*Answer.* Everybody said there were thirty, but I don't know how many ; I was getting out of the way.*Question.* Were they disguised ?*Answer.* Yes, sir.*Question.* Were their horses disguised ?*Answer.* Yes, sir.*Question.* Did you see whether they had pistols or guns ?*Answer.* I think they had pistols, but they couldn't have shot them off. I took them to be pistols. When they first came they were taking folks' guns. I know one thing, they took our guns.*Question.* When ?*Answer.* The night I run out of the house. I had a pistol, and it was hung up by the door, and they took it and my gun too ; and I had a soldier-gun that I gave \$6 for ; I never got nothing for it.*Question.* They took it the night you ran out of the cabin ?*Answer.* Yes, sir. They said they would take me too. I said if they got me they would get me out of town. I said, "They are getting a heap of them, and I will stand a chance of being caught ;" and so I left there. They killed an old man there ; shot him five times.*Question.* That same night ?*Answer.* Yes, sir ; an old colored man ; a mighty old man ; they shot him ; he didn't live—let me see—not more than four days ; and then they whipped around there ; they whipped Martin Bush, and Simon Bush, and Amos Gardiner, and I couldn't imagine who they didn't whip.*Question.* How many do you think they whipped that night in all ?

Answer. A' can't say, to tell the truth; but they whipped a great deal. There wasn't a place they didn't whip on.

Question. Did they search any other place for guns except your place?

Answer. Yes, sir; they took Nelson Bell's gun away from him.

Question. Did they search all the houses for guns?

Answer. Yes, sir. The first thing they would come up to the house and knock, and say, softly, "Open this door; I want water; I haven't had water since the Shiloh fight." I had to get up and open the door. I couldn't do anything against a thousand men myself. We opened the door, and they would come in and ask for water, and I would bring it, and they would keep drinking, and drinking, and drinking, and they had some false thing put in around them somewhere, so they would keep drinking, to make us blacks believe that they hadn't any since they come from the devil. They would say, "We haven't had any water since we come from hell;" and everybody knows better than that.

Question. What had they against you?

Answer. I couldn't tell to save my life.

Question. Had you been a Union soldier?

Answer. I had not been a Union soldier. I was with the soldiers, but never soldiered any at all.

Question. You don't know what they shot into your door for?

Answer. No, sir; I don't know positively. I know they said we ought to vote the way they said.

Question. What did they say?

Answer. They said we had to vote the way they wanted us to vote or not at all. It is true enough, there is some bad white boys as well as black. I said, "The only way a man gets my vote is to kill me." I said that, "A man can't buy it or fool me; I will not be fooled out of it." I said that before a little white boy in the shop. I wouldn't have said it before him if I had studied.

Question. Did he go and tell on you?

Answer. I guess he did; for I didn't hear any more of it until such a time they sent word that they were coming.

Question. They sent you word?

Answer. Yes, sir; they always send word. They sent the wrong one word, for I didn't like a whipping.

Question. Who did the Ku-Klux Klan want you to vote for?

Answer. They always wanted us to vote the democratic ticket. Of course, if we had to vote, I reckon we would have been just as good as the rest of them, but I always thought it was useless. They voted for who they pleased, and I thought it was left to our choice to vote for who we pleased.

Question. Did they ever accuse you of being in the Loyal League?

Answer. I never heard that. I don't remember it.

Question. You supposed they were after you because you said you intended to vote your sentiments or not vote at all?

Answer. Yes, sir.

Question. You think this white boy carried the news?

Answer. I almost know he did; I wouldn't be positive.

Question. You don't know any of this Ku-Klux Klan that visited your house to identify them?

Answer. No, sir. I didn't think there was that many folks in the world that had anything against me.

Question. Had you to leave your home?

Answer. Yes, sir; and leave what hogs I had; they were destroyed and killed up. I didn't save nothing except what I could haul away. I had to make my crop with responsibility at the store; at least the storekeepers didn't lose nothing; I had to pay them after I came here; they took my horse and everything.

Question. The storekeeper?

Answer. Yes, sir; they took my horse and everything. True, they wanted their pay, but I wanted my pay for making my crop.

Question. On whose land were you making your crop?

Answer. On Jimmy Gardiner's; on my old mistress's place; her son was tending to the place.

By Mr. BLAIR:

Question. What was his name?

Answer. Jimmy Gardiner.

Question. How far is his farm from here?

Answer. I don't know. It is ten miles to Whitesburgh, and therefore it's more than fifteen miles; it's seventeen.

By the CHAIRMAN:

Question. Was Jimmy Gardiner against the Ku-Klux Klan or in favor of it?

Answer. I can't say ; but I can say that he has been mighty good to me. I didn't care in rebel times, when I belonged to him ; he was always good to me.

Question. Were there any colored men besides yourself who had to leave on account of the Ku-Klux ?

Answer. Yes, sir ; Martin Bush, who is in town here now ; and Amos Gardiner, who has gone back to Whitesburgh ; and Simon Bush, who has gone down to Mrs. Lacey's, between here and Whitesburgh ; and Ky Bush, who has gone to Whitesburgh.

Question. Did you ever hear of the Ku-Klux going there again ?

Answer. I have heard of that, but I didn't see them. I have been here.

Question. How long since you heard of their operations the last time ?

Answer. I haven't heard of any down in that settlement, I don't reckon, as near as I can come at it, for a year and a half, or a little more.

Question. Have you heard of the Ku-Klux being after the colored people anywhere else in this county since that time ?

Answer. Of course. I have heard of their being after them up here about Newmarket. I know one thing : they whipped my brother mighty bad up there.

Question. How long ago ?

Answer. About a year ago. They whipped him mighty bad, and I never expected to see him alive. They cut gashes in his back as big as my finger. They cut gashes in his back so he couldn't do anything for a year. He had to let his children stay out to work to get him something to live on.

Question. Was he whipped by the Ku-Klux ?

Answer. Yes, sir.

Question. By how many of them ?

Answer. He was whipped once, and went back to work for about two months, and they whipped him so he couldn't turn over in his bed.

Question. How many came the second time to whip ?

Answer. Only three the second time ; but they took a steady whipping until they whipped him mighty nigh dead.

Question. What was he whipped for ?

Answer. I don't know ; I wasn't there. He told me they whipped him, and I went up to see him.

Question. Did he leave there when he got able to go away ?

Answer. He staid there until his year was out, and got his part of the crop, and moved down probably between here and Newmarket.

Question. Did he know what he was whipped for ?

Answer. He said he didn't know what he was whipped for—only voting. Then he had to run off, and all of them had to run off and not tell them, and he come down here, plum here, to vote. I saw him come and put his ticket in right down here. He had to go back and not let them know where he had been.

By Mr. RICE :

Question. Were the men who whipped him disguised ?

Answer. Yes, sir. He had come right down here to vote.

By the CHAIRMAN :

Question. They whipped him to make him vote right ?

Answer. Yes, sir ; and he had to come down here to vote, when there was plenty of places right there to vote, where he couldn't vote without voting the democratic ticket.

By Mr. BLAIR :

Question. In what direction is Gardiner's from here ?

Answer. Down to Whitesburgh and up the road up the river.

Question. Is Mr. Gardiner living there now ?

Answer. I can't tell you. He has some place over the river. I haven't been down there. I couldn't say he is living there.

Question. Who do you say your brother was living with when he was whipped ?

Answer. My brother was living up here at Newmarket.

Question. On whose place ?

Answer. I tell you I don't know whose place it was. I have been there. I knew, but I have forgotten the man's name ; but I know he was whipped mighty bad. He is living between here and Newmarket now.

HUNTSVILLE, ALABAMA, October 12, 1971.

ALEXANDER MARCHBANKS (colored) sworn and examined.

By the CHAIRMAN :

Question. Where were you born and raised ?*Answer.* In Tennessee, in Giles County.*Question.* How long have you lived in Madison County, Alabama ?*Answer.* Three years.*Question.* Were you in the army during the war ?*Answer.* No, sir ; my master took me away down South, and I staid down there three years in the time of the war ; I was a refugee away down South.*Question.* Have you ever seen the Ku-Klux ?*Answer.* Yes, sir.*Question.* When ?*Answer.* Year before last.*Question.* Where ?*Answer.* Right above Meridianville.*Question.* In this county ?*Answer.* Yes, sir ; year before last.*Question.* In what month ?*Answer.* October.*Question.* How many Ku-Klux did you see then ?*Answer.* Seven.*Question.* Were they disguised ?*Answer.* Yes, sir.*Question.* Were they mounted on horses ?*Answer.* No, sir ; I never saw but two horses. One night they came to my house and got me ; they came and knocked at the door. I told them I was very sick ; they asked where was Green, my brother. I told them he was gone. They told me to get up and put on my shoes. I got up and put them on. They told me to come out, and I went out and they marched me up the road. They had another man up the road and two more to guard him, and they carried us up and hung us on a peach-limb enough to choke us, and then they let us down, and they hung us up again and choked us, and then let us down, and didn't put us up again. They squeezed the rope around my neck and put the other around my head, and snapped the rope around my neck and made us run up the road and come back to them backwards, and they would snap their pistols at us, and their guns, but not shooting.*Question.* What did they say to you ?*Answer.* They would tell us they were going to kill us ; they asked what we had done. I told them I hadn't been doing anything. They said they were going to kill me. They asked for Mr. Turner. I said I didn't know where he was. They said I did. I told them I didn't know.*Question.* Who was Turner ?*Answer.* Mr. Henry Turner ; he lived there.*Question.* Was he a colored man ?*Answer.* No, sir ; a white man.*Question.* Were they after him ?*Answer.* No, sir ; just after me.*Question.* What did they want with him ?*Answer.* I don't know.*Question.* Were you working for him ?*Answer.* Yes, sir ; on his plantation.*Question.* Did they inquire after any guns or pistols at your cabin ?*Answer.* Yes, sir. They asked if I had a gun. I told them I hadn't.*Question.* Did they search your cabin ?*Answer.* No, sir. They didn't come in at all. They just took the gun and knocked it over the fence.*Question.* Who was in the cabin with you ?*Answer.* Nobody. I was by myself.*Question.* How long was this after night ?*Answer.* About 10 o'clock at night.*Question.* What did they tell you they wanted with you ?*Answer.* They didn't say ; they told me to come up from there ; I got up ; I told them I was mighty sick. They told me if I didn't get up they would come in and make me get up.*Question.* Did they bind your hands ?*Answer.* No, sir ; only a rope around our necks ; they kept us both tied together.*Question.* What was the other man's name that they hung with you ?*Answer.* Bill Miller.*Question.* Where did they find him ?

Answer. At his house; as far from my house as across the court-house.

Question. Did they catch him first?

Answer. Yes, sir; I was sound asleep when they got me. When they carried me up the road they had him up by the garden, and two of them had him there.

Question. And they marched you both up?

Answer. Yes, sir; right up the road.

Question. How far?

Answer. About a quarter of a mile from the house.

Question. Did they put ropes around your necks before you got there?

Answer. They had a rope around his neck when I got there. They hadn't put any around my neck until we got up.

Question. Did they jerk you up the limb of the tree?

Answer. Yes, sir.

Question. Did they choke you much?

Answer. Yes, sir, mightily; here is the scar on my neck now, [exhibiting a scar.]

Question. Did you lose your senses?

Answer. Yes, sir, a little while.

Question. Then they jerked you up a second time?

Answer. Yes, sir; he took the rope and snatched it and drawed the rope tight around the neck with his hand, snapping it.

Question. Did they tell you at the peach-tree what they were doing it for?

Answer. No, sir. They said somebody had been telling what I had been doing.

Question. What was it?

Answer. They said I had been talking some big talk.

Question. Big talk about what?

Answer. About work; that we were not going to work just then for such a man.

Question. How many of these Ku-Klux were up at the peach-tree?

Answer. Five of them were up there, I believe, and two standing down at the gate down there.

Question. Seven altogether?

Answer. Yes, sir.

Question. Were they all disguised?

Answer. Yes, sir; all disguised men.

Question. Were the horses disguised?

Answer. Yes, sir; I never saw but two horses.

Question. Were they disguised?

Answer. Yes, sir.

Question. Did they tell you they were Ku-Klux?

Answer. They didn't say.

Question. Did they say where they came from?

Answer. They said they were just from hell.

Question. Did they say what they were sent from hell for?

Answer. They didn't say. They said they were just from hell.

Question. Did they tell you how you must vote?

Answer. No, sir; they didn't say how I must vote.

Question. Did they say anything about radicals?

Answer. No, sir.

Question. They said you had been talking big talk?

Answer. Yes, sir.

Question. What did they have against this other man that they hung with you?

Answer. I don't know what.

Question. Did they make any threats about coming back again?

Answer. They said they would come back and see us again.

Question. Did they ever come back again?

Answer. No, sir; they never came back. I wasn't there when they came back.

Question. Did you leave there soon afterward?

Answer. Yes, sir.

Question. What did you leave for?

Answer. I didn't know but what they might come back again on us, and I left there.

Question. How far was that from Huntsville?

Answer. Twelve miles.

Question. Where did you go to?

Answer. Down here.

Question. To Huntsville?

Answer. Yes, sir.

Question. You have been living here ever since?

Answer. Yes, sir.

Question. Where is this man that was hung with you?

Answer. He is up around there now.

Question. He didn't leave?

Answer. No, sir ; he didn't leave ; he is right up there now.

Question. Did you ever see the Ku-Klux at any other time ?

Answer. Yes, sir ; I saw them a great many times.

Question. Where ?

Answer. In Maury County, Tennessee.

Question. Before you came here ?

Answer. Yes, sir ; I saw them by the hundreds.

Question. Have you ever seen them in Alabama, except this one time when they Ku-Kluxed you ?

Answer. No, sir ; never saw them in Alabama before.

Question. Have you ever heard of their visiting colored people ?

Answer. Yes, sir.

Question. Frequently ?

Answer. No, sir ; not lately.

Question. How long since you heard of the Ku-Klux last time ?

Answer. I heard of them last year, up by Newmarket, disturbing some black people.

Question. Did you hear what they were disturbing the black people about ?

Answer. No, sir ; I didn't hear ; it was something about voting, I believe.

Question. Have you got anything else to tell ?

Answer. No, sir ; I believe not.

By Mr. RICE :

Question. Who did you belong to in Tennessee ?

Answer. Judge Marchbanks.

Question. Did he live in Giles County ?

Answer. Yes, sir.

HUNTSVILLE, ALABAMA, *October 12, 1871.*

HENRY KIDD (colored) sworn and examined.

By the CHAIRMAN :

Question. Where were you born and raised ?

Answer. In South Alabama, Montgomery.

Question. How long have you lived in Madison County ?

Answer. Going on two years.

Question. What part of Madison County ?

Answer. Up here to the left of Meridianville.

Question. How far from Huntsville ?

Answer. Twelve miles.

Question. On whose plantation ?

Answer. Mr. Turner's—Parson Turner's son, Henry Turner.

Question. Did you ever see any Ku-Klux while you were living up there ?

Answer. Yes, sir.

Question. In the day-time, or in the night ?

Answer. In the night-time.

Question. How late at night ?

Answer. About 12 or 1 o'clock ; they got after me there.

Question. Were you in your cabin at the time ?

Answer. Yes, sir.

Question. Were you married ?

Answer. Yes, sir.

Question. Were you and your wife abed and asleep ?

Answer. Yes, sir.

Question. Did they come to your cabin ?

Answer. Yes, sir ; they came there, but they didn't get there before I saw them.

Question. How many were there in the crowd ?

Answer. I don't remember of seeing but five ; three came down in the yard and two had this young man, Aleck. Marchbanks, in the lane ; me and him was in the same place ; by the women disturbing, being pestrated, they waked me up, and I saw them coming to my door, and I ran out in my drawers, and took my gun on out ; they were after my gun ; it was the coldest night almost I ever felt.

Question. How long ago was that ?

Answer. It was two years ago in November.

Question. It will be two years next month ?

Answer. Yes, sir.

Question. You say it was a cold night ?

Answer. Yes, sir.

Question. Was the ground frozen?

Answer. Yes, sir; plowed up. I was standing out two hours and a half before they left there; they kept in the road two hours and a half.

Question. They didn't catch you?

Answer. No, sir; they went to my house twice; they went there after they came back.

Question. How do you know they were after your gun?

Answer. They told about it; they told it all about the settlement that they were going to stop me from hunting; white people told me I had better sell it. The next Saturday they came and got several fellows' guns on the place and broke them up, and were after mine.

Question. Did they ever visit you a second time?

Answer. Yes, sir. They came a third time after me, but they never got my gun.

Question. Did you see them the second time?

Answer. Yes, sir; every time.

Question. How many were there?

Answer. About twenty, it appeared.

Question. Were they disguised?

Answer. Yes, sir; the horses and everything else covered. You couldn't tell whether it was a spirit or what it was.

Question. How did you escape that time?

Answer. I was from home, and was coming home, and standing right in the field in the plantation, looking at them close enough to see them.

Question. How late at night was that?

Answer. About twelve o'clock.

Question. How long was that after the first time when they came there?

Answer. About two weeks.

Question. Were they disguised like those who first came?

Answer. They were always disguised; I never saw any except disguised.

Question. Did they go into your house this second time?

Answer. No, sir; they didn't get off of the horses.

Question. Did they halt before your house?

Answer. They halted at the gate, and inquired of somebody if Mr. Turner was there, and he wasn't there, and they didn't stop. He was a young man, and wasn't married.

Question. Were they after him?

Answer. They said they wanted to see him, and they wrote a sign for him on the gate-post.

Question. A notice?

Answer. Yes, sir.

Question. What was it?

Answer. I don't know; I couldn't read.

Question. Were they friendly or unfriendly?

Answer. I don't know.

Question. Did he tell you what the notice was?

Answer. No, sir; he never told me.

Question. They were after Mr. Turner that time and not after you?

Answer. Yes, sir; they didn't pester me.

Question. You say that you saw them a third time?

Answer. Yes, sir.

Question. How long after the second time was it that they came again?

Answer. It was on Christmas, the first Saturday night; I believe it was a year ago last Christmas; the first Christmas day was Saturday; it was that night.

Question. What time of the night did they come then?

Answer. I was about a half a mile from home; I had been to Henry Turner's father's house; they had a store down there; I was coming back; there was a hedge-fence all along, and I had got pretty well home, and I jumped down off the mule, turned him loose, and took the bridle and crept through the hedge and went home; I didn't want them to see me.

Question. Did you see them ride by?

Answer. I heard the whistles, and the moon was bright as day.

Question. Could you see them at a distance?

Answer. Yes, sir; they were coming on talking fine talk like they were crying.

Question. How many were in the crowd?

Answer. Thirty or forty; they were just marching. I know where they went to. They came nearly to Huntsville, about five or six miles out here, and had a dance. That was the first Christmas night they held a big dance out here at Mr. —, I can't think of his name—who is a cousin of Mr. Turner. I know I could go to his house.

Question. Did they commit any mischief?

Answer. No, sir; they didn't appear to me like they were after any. I didn't let them see me.

Question. Did you hear of their hurting anybody that night?

Answer. No, sir. I know they run me powerful one night.

Question. What night?

Answer. That first night, if they had caught me, they would have had a rope around my neck and taken my gun, too.

Question. Have you ever seen any Ku-Klux since that Saturday night?

Answer. No, sir.

Question. Have you heard of them since in that country?

Answer. Yes, sir; I haven't seen them.

Question. When did you last hear of the Ku-Klux?

Answer. The last I heard was down at Madison Station, where I live now.

Question. How long ago was that?

Answer. The time is not long; it was in the first of spring.

Question. Of this year?

Answer. Yes, sir.

Question. What did they do at Madison Station?

Answer. They were after some colored men down there; it was the time of the last election; you know what time that was.

Question. Was it last fall?

Answer. I reckon.

By Mr. BUCKLEY:

Question. Was it when they elected county superintendent of education, last March?

Answer. I believe that was the time; that was the last I saw.

Question. What were they doing at Madison Station?

Answer. There came a whole crowd of fellows from Limestone County that came up to Madison Station to vote, and they wouldn't let them vote there, and they got on their horses and came up to Huntsville to vote, and they waylaid the road that night for them fellows.

Question. Were those colored men who came up here to vote?

Answer. Yes, sir.

Question. How many of them?

Answer. Four; they wanted to vote at Madison Station, and they wouldn't let them do it, and they got on their horses and came up here to vote.

Question. And these Ku-Klux waylaid them on their return?

Answer. Yes, sir.

Question. Did they catch them?

Answer. No, sir; they came right through the plantation where I live; they were after them that night; they had whistles and horns, and all kinds of music.

Question. Do you know how many there were?

Answer. No, sir.

Question. How many whistles were there?

Answer. It appeared to me like there were five hundred; it was the prettiest music you ever saw.

Question. That was last spring?

Answer. Yes, sir; last election.

Question. Were the Ku-Klux around pretty thick at the last election through the county, or was this the only case you heard of?

Answer. That was the only case I heard of; that was within a mile of me.

Question. You didn't travel abroad much?

Answer. No, sir; nowhere much, because a black man don't stand much to travel unless he is right on a railroad and got money; if a man has a family he has to stand close around and be humble as a dog or he is eat up.

Question. Did you know what was going on right about where you were living?

Answer. Yes, sir; right around me.

Question. Did these men who came on to Huntsville want to vote the republican ticket?

Answer. Yes, sir.

Question. And these Ku-Klux wanted to prevent them from voting?

Answer. I don't know whether it was Ku-Klux wanted to prevent them, but the men holding the poll down there wouldn't let them vote until they came on to Huntsville.

Question. Why were their votes refused there?

Answer. I don't know; they wouldn't let them vote, and they got on their horses and came on to Huntsville.

HUNTSVILLE, ALABAMA, October 13, 1871.

THOMAS U. GREEN sworn and examined.

By Mr. BUCKLEY:

Question. Please to state where you reside.*Answer.* Here in Huntsville.*Question.* How long have you resided here?*Answer.* I came here in 1864. I have resided in this county all my life.*Question.* Are you a native of this county of Madison?*Answer.* Yes, sir.*Question.* The object of the committee, Mr. Green, is to ascertain the condition of the State of Alabama, and this portion of it especially now, in regard to the security of life, person and property; and, as you reside here, we desire to ask you a few questions.*Answer.* Very well, sir.*Question.* Have you ever been a member of the United States grand jury in session here?*Answer.* Yes, sir.*Question.* At what time?*Answer.* I believe that I have been a member of all the grand juries we have had since the war, except the last.*Question.* Were you a member of the grand jury in November, 1869?*Answer.* Yes, sir.*Question.* Who was your foreman at that time?*Answer.* Judge Charlton.*Question.* He has since been killed, I believe?*Answer.* Yes, sir.*Question.* Will you state to the committee whether or not indictments were found under the civil-rights bill by that grand jury?*Answer.* There were, sir.*Question.* About how many?*Answer.* I don't recollect; it has been so long, and these cases not having been brought up before the courts and no record of them, it would be altogether guess-work.*Question.* Give the number as near as you can remember.*Answer.* The number of indictments altogether, I think, would amount to thirty, or upward; but a great many of those were for illicit distilling, perhaps half of them.*Question.* Were any indictments found for homicide?*Answer.* I think there were, sir; I know there were.*Question.* You think the entire number amounts to about thirty-odd?*Answer.* Yes, sir; thirty or more.

By the CHAIRMAN:

Question. What became of those indictments?*Answer.* I don't know, sir.*Question.* Have the parties indicted ever been brought to trial upon them?*Answer.* I think not. In one case, I think from Limestone, the parties were summoned here and the case put off. I don't think any other parties have been brought into court.*Question.* Do you know what has become of the indictments?*Answer.* No, sir.*Question.* Was a record of them made on the docket? Were they entered on the docket?*Answer.* The indictments were taken charge of by the solicitor at the time.*Question.* Who was he?*Answer.* Mr. Southworth. We had a change of solicitors during that court. Southworth succeeded Bugby, and I think that created a confusion that might account for the mislaying of some indictments.

By Mr. BLAIR:

Question. Who presided over that court?*Answer.* Judge Busted.*Question.* You say Southworth was the solicitor on the part of the Government?*Answer.* He was the solicitor the latter part of the time. He succeeded Bugby during the time.*Question.* Were both of them appointed by the Government at Washington?*Answer.* I suppose so. Bugby had been previously acting as solicitor here, and was removed during that term, and this man Southworth took his place during court.

By the CHAIRMAN:

Question. You say there were indictments for homicide found by the grand jury?*Answer.* Yes, sir.

Question. Were they against men who were alleged to be disguised?

Answer. Yes, sir; some of them were.

Question. Disguised after the manner of the Ku-Klux?

Answer. Yes, sir.

HUNTSVILLE, ALABAMA, *October 13, 1871.*

WILLIAM M. LOWE sworn and examined.

The CHAIRMAN. As this witness has been called at the request of the minority, his examination may be conducted by General Blair.

By Mr. BLAIR:

Question. State your present place of residence, Colonel.

Answer. I was born and raised, and still live, in Huntsville, Alabama.

Question. What is your age?

Answer. I will be thirty the 16th of next January.

Question. What is your business or profession?

Answer. Lawyer.

Question. Do you practice law here?

Answer. Yes, sir; I practice law here and in this judicial circuit, and occasionally in Limestone, the adjoining county.

Question. What counties compose this judicial circuit?

Answer. Madison, Marshall, Johnson, De Kalb, Cherokee, Blount, and I also practice occasionally in Limestone, which is not in this circuit.

Question. Were you at any time the solicitor for this district?

Answer. I was. I was elected solicitor in 1865 under the Patton government.

By Mr. BUCKLEY:

Question. By the legislature?

Answer. By the legislature.

By Mr. BLAIR:

Question. Do you recollect of prosecuting, as solicitor of this district, an indictment against a man by the name of Shapard in Blount County?

Answer. Yes, sir.

Question. The same old man who testified here the other day?

Answer. Yes, sir; the same one I saw in town, and I understood he testified here.

Question. Was his name William Shapard?

Answer. Yes, sir; the same man.

Question. What was the indictment?

Answer. One was for hog-stealing, and the other for an assault with intent to murder, or assault with intent to kill.

Question. Will you state whether the defendant Shapard made affidavit in either of these cases for a continuance?

Answer. Yes, sir; I remember very well of his either making written affidavit or a statement under oath that Colonel Davis here, my brother-in-law, was his counsel for the defense, which statement I knew to be false, and stated to the court it was false. He persisted in it. I said that Colonel Davis had told me that he did not intend to go to Blount County, and, in reference to this special case, that he would not go, because Shapard had not paid him his fee, and he knew from his character that he would not.

Question. This affidavit was made for the purpose of obtaining a continuance?

Answer. Yes, sir; he got a continuance by it.

Question. Was the case ever finally tried?

Answer. I do not know; I never went to that court after that.

Question. Was that the case for assault with intent to kill?

Answer. Yes, sir; I think it was.

Question. On what ground was the case against him for hog-stealing ended?

Answer. My recollection is not very distinct as to that, but I believe that the indictment passed off upon a demurrer, upon the ground that there was no description or no ascertainment of the value of the property stolen.

Question. In the indictment?

Answer. In the indictment. I think it just said certain hogs, describing the hogs as property of so and so, without assigning any value. I think that was the ground although I am not certain.

Question. Did you examine the witnesses against him in that case?

Answer. Yes, sir; they were examined before the grand jury.

Question. Did they make the proof clear that he had taken these hogs?

Answer. I thought so. It was an *ex-parte* examination, as all examinations are before

the grand jury, but I had no doubt of his guilt. He told me he had been several times indicted for stealing—hog-stealing and sheep-stealing—but I do not think he had ever gotten up to the dignity of horse-stealing.

Question. What was his character and reputation for truth and veracity?

Answer. Why, it was exceedingly bad; bad as could be.

Question. Colonel, were you in the army during the war?

Answer. Yes, sir.

Question. Which army?

Answer. In the southern army.

Question. Did you serve through the war?

Answer. Yes, sir; I went in the first company that left here for Virginia, in the Fourth Alabama Infantry, and at the first battle of Manassas I was very badly wounded in the side of the head, and was discharged; I afterward entered the service in the west, in cavalry; I served upon General Withers's staff for a while; upon General Clanton's staff for a while—Clanton of this State; I commanded a battalion of seven companies; General Clanton commanded a brigade.

Question. The object of the committee is, by examining witnesses, to ascertain the condition of affairs in the South, the manner in which the law is enforced, and peace preserved in this State. Will you inform the committee what your opinion in regard to that matter is?

Answer. At this time?

Question. Yes, sir.

Answer. I think that, as far as my observation extends, the law is about as well enforced now as it has ever been in this State.

Question. Is the condition of the country peaceable?

Answer. Yes, sir.

Question. Is public sentiment in favor of the enforcement of the law?

Answer. Yes, sir; I have never known public sentiment more decidedly and generally in favor of law and order in North Alabama than it is at this time.

Question. Do you know anything about secret organizations that have existed in this region of country since the war, an organization known as the Loyal League and one known as the Ku-Klux Klan?

Answer. I never was a member of either of these organizations; I am very confident that both of them existed here.

Question. Will you state briefly what, in your opinion, drawn from your observation, were the objects and character of each of these organizations?

Answer. I think that the object of the Loyal League, as it was called, judging from its results, was to unite the negro population of this country in a secret political organization, for the purpose of being used politically against the native white population of the country. The Loyal League, as I understood it, was organized here by a set of itinerant, irresponsible, worthless men from the North, whom we designate carpet-baggers, who came here for political purposes, and who live upon the strife, the passion, and the prejudices engendered by the antagonism of races. When the League was first organized, which was shortly after the war, and the people of the South were sore and bitter, and passionate, and in a condition very likely to become enraged and indignant, and this League organization arraying the negroes against the whites excited the whites so that a portion of them went to the extreme of forming a counter organization, which was known here as the Ku-Klux Klan, as an offset to the League; I looked upon the League as the cause, and the Klan as the effect; the one as the chill, and the other as the fever following it.

Question. Was there a general sentiment in the country at the time of the banding together of these negroes in this League for political purposes, that it was dangerous to the life and property of the people of the South?

Answer. Yes, sir; there was a very general apprehension throughout the country of danger to society, and the Ku-Klux were organized for the purpose of protecting society generally. I have never known of any instance in which the Ku-Klux interfered in politics or took any part in politics. I believe they were composed exclusively of democrats, and ultra democrats, but I do not think they were politicians; I think the politicians of the country were opposed to the Klan.

Question. The fact that they were democrats resulted from the other fact that the entire body of the whites were democrats?

Answer. Yes, sir; I believe upon the proposition submitted for the ratification or rejection of the present constitution of Alabama, there was not a score of whites in Madison County who voted in favor of that constitution; the whites were unanimous in their support of the democratic party.

Question. When the negroes were first liberated and banded together in these Loyal Leagues, were they in the habit of pilfering to any great extent?

Answer. Yes, sir; they were charged with that.

Question. Was there much plundering in the country?

Answer. I did not live in the country, and they never stole anything from me, but

the courts were full of such cases, and the general charge was that the country was in such a state of insecurity, and society was so disturbed, that it was essential that there should be some sort of patrol, some kind of guard, and I think the Ku-Klux Klan, following in the idea of the old patrol of the South, was originally organized for the purpose of preventing stealing and depredations of that sort by the negroes upon the whites. Now there was a new court, a county court, organized in the State of Alabama, and that court was filled with negroes all the time, constantly; that court was almost constantly in session, and there were from fifty to two hundred negroes, either witnesses or parties, lying around this court-house here all the time. Judge Scruggs was the presiding judge at first, then Judge Douglass came in, and a negro thought he was hardly exactly free unless he had a lawsuit with somebody; a great many of these cases were of the most frivolous and trifling character, and they got a large number of witnesses; they being ignorant and unacquainted with their rights or the manner of enforcing them, would get a great many witnesses brought here and bound over who really knew nothing of the matters in dispute, and frequently the matters of dispute were of the most trivial and unimportant character. But there was a general impression in the community that these trivial and light offenses could not be punished in the courts, as they were constituted, without a great deal of trouble and expense, and these disguised men concluded to take the law in their own hands.

Question. Were there also apprehensions felt of violence on the part of these negroes, banded together in this way, and especially were there apprehensions for the safety of the women?

Answer. Yes, sir. As far as my opinion is concerned, I had a great deal more confidence in the good temper and good feeling of the colored people than the majority of the white men of the country, and still have; but it was generally apprehended in the country that there was danger from outrage by straggling parties of negroes going about the country with their guns at all times of day and night. They were apprehensive of outrages being committed upon women and children.

Question. These generally were the reasons, as you give them, for the organization of the counter plan, or body of Ku-Klux?

Answer. Yes, sir; that was my understanding. I never saw but one body of Ku-Klux, and I suppose that body composed the strength of the organization in Madison County, which was the night of the so-called riot here in 1868.

Question. Were you present in town during that riot?

Answer. Yes, sir.

Question. State, then, if you please, as far as you know, the origin of that riot and what was done.

Answer. I think the origin of the riot was that the Ku-Klux Klan had been riding about the country—that is as I understood it. I never saw them, but the newspapers gave accounts of their whipping colored men about the country, and threatening them, and taking them out and advising them how they must conduct themselves. I never heard of their advising them about any political matter, but about their personal demeanor. For instance, if they heard a negro was insolent or lazy they would tell him he must be respectful and industrious. If he had a bad name for stealing—and frequently when they would steal, as is the case now, the employer would not report a good working-hand; he will take it out of his wages, or compromise it with him in some way—the Ku-Klux, when they would hear of these instances of stealing, would go to the negro and take him out and either whip him or warn him. There had been a good deal of sentiment in the town among the leaders of the democratic party in opposition to the Ku-Klux, and denunciations of the Ku-Klux through the Huntsville Democrat and the Huntsville Independent, two democratic papers. They had first looked upon it, when reported in the Tennessee papers, as a myth, or as some piece of fun by boys. They said they were the confederate dead, who had risen from their graves and were riding through the land at night upon phantom horses and in shadowy forms; that they were incapable of being wounded; that they could drink great barrels or buckets of water. I met an old negro who told me that one of them, riding at the head, drank about three large horse-buckets of water in his presence. The public sentiment of the community denounced the organization of the Ku-Klux, and they were threatened. The general idea or opinion of the community was that the military would fire upon them if they came into town, and that the negroes would fire upon them if they came into town, and in a species of bravado, as I understood it, they came into town that night. I think there were about or over a hundred—say a hundred and twenty-five. I am a pretty good judge of cavalry. They were estimated as high as five hundred, but there were not more than one hundred and twenty-five at the most, general.

Question. That mistake is very often made by persons unaccustomed to cavalry?

Answer. O, yes, sir. General Clanton's command, which was at times not a thousand, would be estimated at five or ten thousand. They came in and rode around the court-house, where the republican meeting was being held.

Question. Did you see them?

Answer. Yes, sir.

Question. Did you see them when they came in?

Answer. No, sir; I did not see them until they were on the east side of the court-house, passing down toward the market-house, where they formed in line of battle. I had as good a chance as anybody for personal observation, and I had a better chance to get at the facts from the circumstance that I took the testimony of a great many witnesses. I was the solicitor, and it was my duty to do it. I talked freely with the civil and military authorities, and acted in conjunction with Captain Richardson, who was my partner, in taking the testimony both of citizens and soldiers.

Question. Did you take any testimony of negroes?

Answer. O, yes, sir. I guess there were about thirty or forty witness. There were about seventy in all, and I think at least two-thirds of them were negroes. The firing, when the Ku-Klux had passed almost entirely around the court-house, commenced at the north door of the court-house and was directed northward. Judge Thurlow was killed at the north gate; he was shot and afterward died. He stated to his carpet-bag friends in town that he was killed by his friends and killed accidentally. I have no doubt that is true, not the slightest. Neither do I doubt that the negro that was sitting upon the steps of the Democrat office was also killed accidentally. He was a boy. He was shot through the heart and died immediately. They were the only parties killed. Two white men and one negro were wounded, besides a white man and negro that were killed. The Ku-Klux did not fire a gun. They did not move from their statue-like bearing upon their horses. They formed in line of battle when the firing commenced upon Market street. I saw General Ruger and some of his officers upon the hotel balcony and spoke to them while the Ku-Klux were passing around the court-house. General Ruger and some member of his staff commented upon the admirable manner in which they deployed into line, and their general movement and bearing, and I think General Ruger said that there was no law to prohibit it; that it was very absurd, but there was no law, Federal or State, against men masquerading at that time upon horseback at night; nor was there any statute in this State at the time upon the subject.

Question. Was there a meeting going on here in the court-house at that time?

Answer. Yes, sir; there had been a meeting going on. I think it commenced that afternoon, and may have been all day.

Question. It was a radical meeting—republican meeting?

Answer. Yes, sir.

Question. Composed almost entirely of negroes?

Answer. Yes, sir; principally of negroes, in the day-time. The meeting outside was composed of whites and blacks. The meeting here in the court-house at night (I was not here myself, but I understood from my brother and brother-in-law, Colonel Davis) was composed in a great degree of negroes.

Question. In the court-house?

Answer. In the court-house.

Question. There was a large number of persons, white and black, congregated around the square?

Answer. Yes, sir.

Question. Gathered to witness this parade, or for what purpose?

Answer. I do not know what the purpose was. When I got on the square, I think the first gun, I am very confident the first pistol, was fired before I got on the square; but early in the night, an hour or so before they came in, there was a considerable crowd of whites and blacks on the square.

Question. Within the square, or on the pavements around?

Answer. On the Commercial Row. This whole space here we call the square, and by the square, I mean to include the court-house and Commercial Row.

Question. Who were the white men who were wounded?

Answer. Mr. Cox, the only man I ever suspected of being a Ku-Klux, was one. I thought he was just the sort of a man that would take delight in that kind of an organization—a noisy, talkative, blatant fellow.

Question. He was shot?

Answer. Yes, sir; he was shot right through the head.

Question. Was it known by whom he was shot?

Answer. His impression was that an old man by the name of Roper shot him.

Question. A negro?

Answer. Yes, sir. My impression was that he shot Roper. They were both indicted for the murder of Thurlow.

Question. And Roper was shot also?

Answer. Yes, sir.

Question. He is the same old negro who has been examined by the committee?

Answer. Yes, sir; the same one. I subsequently acted as his attorney in defending him. At that time I was the solicitor and was prosecuting. Subsequently, when I went out of office, I defended him and Charley Hale, a negro, and Milton Martin, a negro.

Question. What became of the indictment?

Answer. Well, sir, they lingered on until, I believe, at last court, or court before last, the solicitor not being able to do anything with them, these negroes being constantly brought here at great expense to the county, (for a great many were witnesses,) that he made a motion to dismiss them, made a motion for a *nolle prosequi* before the court, and they were dismissed and the whole thing was ended.

Question. What was your impression, colonel, from what you saw, and from the evidence taken by you and Mr. Richardson, and from what came under your observation before the grand jury and the trials of these cases, in regard to the origin of the disturbance or riot?

Answer. I really thought that the coming in of the Ku-Klux was the proximate cause of it. I thought that the firing of the negroes from the court-house—a panic seized them; they had all been listening to very inflammatory addresses here; a drunken blacksmith, a trifling fellow, made a furious incendiary speech here; I did not hear the speech; I heard his voice and heard accounts of his speech—

By the CHAIRMAN:

Question. Who was that?

Answer. I have forgotten his name; I have been trying to recall it.

Question. Was it Sheets?

Answer. No, sir.

By Mr. BUCKLEY:

Question. Was it a colored man?

Answer. No, sir; a white man. He ran away from here. I do not think he ever was seen here. I have no idea that Mr. Sheets indorsed, indeed, I know he did not endorse, that harangue. That man invited the negroes to fire upon the Ku-Klux, and waylay and ambush them, and all that.

By Mr. BLAIR.

Question. Was there any evidence taken by you in reference to the tenor of his speech?

Answer. O, yes, sir; we took evidence to that effect. The negroes, prior to the coming in of the Ku-Klux, had gone out on the Pinhook Bridge to ambush or waylay the Ku-Klux, if they came in that way. They had also gone out on the North or Meridianville pike—a party of twenty-five or thirty negroes in a band; it may be more or may be less. One of these men I defended—Charley Hale. The defense I intended to make for him was this, and I could prove it conclusively by white and black: It was notorious that early in the evening, before the Ku-Klux came in, and possibly at the time or before the night meeting of the negroes in the court-house, he had gone out on the Meridianville pike, with guns and pistols, to waylay the Ku-Klux, but his crowd had gotten demoralized. Their excitement had died out, and they had gotten demoralized and came back; but he himself did not come back to the square at all, but went to his home. That was the defense I intended to make for him.

Question. To show that he was not present at the riot?

Answer. Yes, sir; to show that he could not have killed Thurlow, and had nothing to do with it, for he was not present. I think Milton Martin, who is in town here, and can be examined by the committee, for he is employed by the city or corporation, was in one of those parties. I do not know it. I think the defense I intended to make for him was that he was not present when the firing was done, and had nothing to do with it.

Question. That he had gone out on one of these detachments to waylay the Ku-Klux?

Answer. Yes, sir; to prevent their coming in.

Question. It was understood that they were coming in then?

Answer. Yes, sir; I had understood it in the afternoon. It was rumored in the town they were coming in. I do not know how I understood it. This blacksmith was a carpet-bagger, and a drunken, dissipated fellow. He was haranguing the negroes here when the report came that the Ku-Klux were coming into town, and he invited them to fire upon the Ku-Klux. He made them a very incendiary and violent harangue upon that subject. Mind you, at that time there was no law, State or Federal, against the organization of disguised men. There was a law, of course, against their taking men out and whipping them, against their committing outrages, but there was no law against the organization, against men merely peaceably riding through the community. General Ruger was here with ample force to have arrested these men if he had had any authority of law to do it. He took the ground that they had a right to ride through the town. I never have heard that anybody charged them with having fired a gun, or that a gun was fired at them.

Question. The firing did not take place until they had actually ridden off of the square?

Answer. I think they were off of the square before there was any firing. I am not certain of that. I am very confident that they did not regard that any guns were

fired at them, and certainly did not fire themselves. Mr. Sheets had spoken in the afternoon. Mr. Sheets, it seems, had been visited by the Ku-Klux down at Florence, about two weeks before, and they had given him a very solemn and terrible warning against the character of his speeches, and he had promised that in the future he would be more parliamentary. He told me this himself. He was under some apprehension for his personal safety that night. I told him I did not think he was in the slightest danger. I knew him as a boy. I had known him as a Douglas speaker. I was, as a college youth, a very enthusiastic supporter of Stephen A. Douglas, and Sheets had been badly treated by the confederates during the war. He was a crippled man. He had been arrested, charged with treason.

By Mr. BUCKLEY :

Question. He had been imprisoned for some time, had he not ?

Answer. Yes, sir; imprisoned in Montgomery. I visited him in Montgomery, and was warmly on his side. I thought if there was a man in the community who had cause to complain of the confederates, he was that man. I think so yet. I think he is a kind-hearted, good man. I do not think he is a bitter or malicious man. His speech that afternoon, I think, was a very bad speech. I think it was well calculated to array the negroes against the white people.

By Mr. BLAIR :

Question. What was the character of the promise which he made to the Ku-Klux in Florence ?

Answer. The character of the promise was to this effect : They asked him, "Have we done anything to you ? Have we ever interfered with you ?" He said, "No." They said, "Do you know of our ever having murdered anybody ?" He said, "I do not." "Or of robbing anybody ?" And they went on to explain to him that their purpose was to maintain the conservative element of society ; and they told him that it would be a great deal better for him—not knowing anything about their organization—a great deal safer and better for him to attend to his own business and not denounce them, as he had denounced them, as assassins, and murderers, and thieves. He had compared them to Murrell's gang. He said that was all in a political, pickwickian sense ; that he did not know anything about them, and that for the future he would be more guarded in his language ; that he did not intend to make but one more speech in the canvass, and in that speech he would not refer to them in the terms he had used theretofore. He came up here and told me he had no idea of making the sort of a speech he had, but he was an excitable man, and became excited, and went off in the same strain, making political capital, making the negroes think the white people had gone into the Ku-Klux Klan for the purpose of outraging and murdering them.

Question. Was there anything in the condition of society, in the disorganization which followed the war, and the casting adrift upon society of the soldiers, and the turning loose of the negroes from their former masters, to excite apprehension and serve as a pretext for this organization ?

Answer. Yes, sir ; I thought so. I do not think that the Ku-Klux Klan was any remedy for these evils. Indeed, we could see that the negroes, being suddenly liberated, showed in all their conduct a bearing that they mistook license for liberty ; they would come to political meetings with their arms ; they would sometimes get drunk and you would see occasional instances of their returning home firing their arms off at night ; using threatening language towards the whites, towards "rebels" and "democrats." Well, the rebels and democrats included the whole body of the white people of the country, and the people who lived in the country away from the little towns—white families of two or three, surrounded by hundreds of negroes—were apprehensive. After a great civil convulsion, such as ours was, the laws were not enforced as they had been. The whole foundations of society were broken up ; that was the excuse given for the organization of the Ku-Klux Klan. I regarded it then, as I regard it now, as possibly a temporary remedy for these evils, but it was very much like quack medicine—while it would cure the special disease it would infect the body politic and injure the whole constitution. I was a member of the democratic State committee, chairman of the democratic congressional committee, and chairman of the democratic county committee, and I know that the sentiment of the leaders of the democratic party—of the democratic politicians throughout the State—was hostile to the organization of the Ku-Klux Klan.

Question. I observe, Colonel Lowe, in the dispatches that come to us now detailing the awful calamity which has just fallen upon the city of Chicago, that in the midst of this distress there were some persons who gave themselves up to robbery and plunder, and that the people have taken the law into their own hands and put them to death. Was there any similitude in the case of which we are now speaking after all the disorganization of the war and the calamities which had fallen upon this country, and in the silence of the laws and inefficiency of their officers—was there some excuse, or a

similar excuse, for these attempts to preserve order in that case to which I have alluded?

Answer. I think so, sir. The justification or excuse which was given for the organization of the Ku-Klux Klan was, that it was essential to preserve society; they thought after such a civil convulsion as we had had in this country, the feebleness with which the laws were executed, the disturbed state of society, it was necessary that there should be some patrol of the sort, especially for the country districts outside of town; that it had been a legal and recognized mode of preserving the peace and keeping order in the former condition of these States.

Question. The patrol?

Answer. Yes, sir,

Question. The patrol had been a recognized legal method of preserving the peace?

Answer. Yes, sir.

Question. And it was, therefore, natural that it should be resumed?

Answer. Yes, sir. To give you some idea of it: I never belonged to any secret organization except the Masons, and then only temporarily; but in 1863, during these disturbances, at every political meeting there were the gravest apprehensions of a general riot, and, knowing the temper and character of the white people of this county, I knew that if one respectable white man at one of these public meetings, whether he was drunk or sober, whether he was right or wrong, if he was murdered or killed at one of these political meetings, by the negroes, it would be supposed that he was killed by the minions of the Loyal League, and his death would be promptly and dreadfully avenged upon the occasion. Consequently, upon conference with a number of the most soberest and best men of the community, we had a meeting one night at my office, and I proposed the secret organization of some fifty gentlemen of known character and intelligence and courage in this community. Captain Richardson was one of the parties to whom I spoke. He was present. Mr. Rison, the banker here, was another. Mr. Steele was another. The title of this organization was the "Order of Peace." We discussed it, and agreed that we should never, under any circumstances, go to any political meeting with arms, and we should encourage that idea among the whites, and whenever anybody, white or black, drew any arms at a public meeting, we would immediately, by an understanding among ourselves, seize him, take his arms away from him, and turn him over to the civil authorities. We discussed that matter for some time; some of them favored it, and some of them thought it impracticable, and were afraid of getting into trouble. The community had gotten selfish. There were a few bold, patriotic men who were willing to put themselves to trouble for the sake of society, but the general feeling was "don't care a damn what happens," so that it did not happen to them; and the organization broke through. The name of it was the Order of Peace. We were to solemnly pledge ourselves not to bear arms under any circumstances, to prevent any disturbance whatever at public meetings, and to sacrifice ourselves, if necessary, to that purpose. I was a little ahead of my party in this county on the subject of negro suffrage. I regarded it then as I regard it now, as a prolific source of evil. Nobody that is familiar with the writings of the fathers—men that I regard as the greatest as well as the best men who ever made a government—can fail to see that they thought that republican government, of all governments in the world, should be necessarily based upon the intelligence and virtue of the people; and when this vast sluice of ignorance and vice was opened, and this numerous population that had been laboring under the degrading influences of slavery from time immemorial, and that never had evolved anything of their own motion, the idea of giving the ballot, the highest privilege of American citizenship, to them, we thought exceedingly dangerous to society; but when we took a retrospect, and considered the result of our defeat in the war, I regarded negro citizenship and negro suffrage as inevitable in some form, just as I regard it now as irreversible. Believing that, and hoping to make the most of circumstances, I got the executive committee together, and made a proposition to send to Tennessee and get some negroes to address the negroes down here, to talk to them upon political subjects, and upon their duties to society. Two of the committee opposed it bitterly, and two favored it. There were five of us, and I cast the deciding vote in favor of it and telegraphed to Nashville, to a gentleman there, to get Elias Polk, the old body-servant of President Polk, and Joe Williams, who had been a negro officer in the Federal Army. I thought we would get a native democratic negro and a northern democratic negro and bring them down here. We brought them here. I took them to my office and treated them with the greatest kindness and distinction. Old Elias Polk was the very prince of colored gentlemen. He had the manners and bearing of the old régime. Joe Williams was a man of better education, and probably better intellectual powers, but he was not near such a speaker; he was not near such a man. He did not have the courage and pure common sense that old Elias had. Well, Ex-Governor Brown spoke in the morning amidst the most intense excitement—more intense, I believe, than I have ever witnessed before or since at any political meeting. He is a very eloquent man, and roused the white people to the very highest pitch of excitement. I remember his eulogy upon General Blair, his personal character and services

to the Union in the war. He was interrupted at the time by the negroes—insultingly and violently interrupted by some of them. My brother-in-law, Colonel Davis, arose in the crowd, thinking, from his personal influence with the white people, and his republican views being known to the negroes—he being a Grant man—that he might restore good feeling in the crowd; but his purpose was misunderstood, and great excitement arose. They thought it was his purpose to interrupt Governor Brown, and a number of pistols were drawn, some by negroes and some by whites—principally by whites. The negroes, when the pistols were drawn, mostly scattered and ran to the other end of the court-house yard. I ran out in the crowd to get to Mr. Davis. General Forrest and General O'Neal and others got around him. We finally got the crowd pacified, but we came very near having a very serious matter of it. Governor Brown went on with his speech, and told the negroes they had very much misconceived him, and spoke very kindly to them and of them, and finally the meeting passed off without any further trouble. In the evening Elias Polk and Joe Williams addressed the colored people, both of them taking the ground that they had been made citizens of the United States, and that in proper time they would be given the privilege of voting. They had already voted here under—

Question. Reconstruction?

Answer. These so-called acts of Congress; but they both took the ground that the citizens were the sole judges of the propriety of giving them the right of suffrage, and that it was not a matter within the jurisdiction of Congress; very good democratic doctrine. Both of them said they wanted the right of suffrage, but they did not want it at the expense of the Constitution of their country. Old Elias said he had been for sixteen years in the Congress of the United States, in the earlier and purer days of the country, before carpet-baggers and scalawags were known; that he had also been in the position of chief magistrate of the United States, and talked as if his personality had been absorbed in that of his master, President Polk. He spoke with a great deal of unction and authority to the negroes. Joe Williams told them of his services in behalf of their race in the war; that he had fought for their liberty, and that he would do it again; that he was proud of his record, and he would not tell them a lie. They would interrupt him by telling him he had gone over to the democrats, and turned rebel, and that sort of remarks. That night—they were boarding, or rather they were the guests at the house of a very intelligent colored man here named Albert Bentley—and that night the house was assaulted with rocks, and some of us went down there to protect them; they both told me next day they thought this was a rocky road to travel for democratic negroes; that the negroes here were completely blinded by passion and prejudice, and altogether under the dominion of the League; that they were afraid to take any part with the democratic party; some of them had told them that they were democrats, but they wanted them to keep it to themselves; that it was a confidential disclosure; that they would not be safe if it were known that they were democrats.

Question. Some of the negroes had told him so?

Answer. Yes, sir; some of the negroes, and I have been repeatedly told that myself by negroes.

Question. Is it safe for a negro to espouse the democratic cause?

Answer. I do not think it is exactly safe; I think it is safer now in this county than it has been; during the last canvass I organized two negro democratic clubs, the whites pledging them that they would stand by them to the bitter end, and that they should not be disturbed or molested in the free exercise of their right to vote.

Question. It required this assurance?

Answer. Yes, sir; we had made strenuous efforts all the time. Now a number of negroes always vote [democratic] in town—the more intelligent ones—but they never want it known, and always deny it to the other negroes; there were a very few of them; I do not know but two in this town that I ever knew to admit it to negroes, and they were men of most approved personal courage.

Question. Has the condition of affairs, in respect to peace and good order of your county and in the circuit in which you practice, improved within the last two years?

Answer. Yes, sir; I think law and order prevails here as much as any country in the world—as much so as it has ever prevailed; I think that is the universal opinion; that is the statement repeatedly made in the last twelve months in the Huntsville Advocate.

Question. Is this caused, in a great measure, by the public sentiment of the better classes of the people of the State, and by the improved condition of affairs since the administration has passed into the hands of a government really elected by the people of Alabama?

Answer. I think it is due to the fact that the people of Alabama regard the present government as a legal State government, and the administration of it as in the hands of their own people in a great degree.

Question. Was there much dissatisfaction with the inauguration of your first State

government under the reconstruction acts, by reason of the fact that it was imposed upon the people of the State against their will by act of Congress?

Answer. There was the greatest dissatisfaction; we had a State government here, under Governor Patton, that answered all the purposes of the people; it had been elected by the people; they were honest, good men, intelligent men, known to the people, and we were going on improving our material condition after the war, when the reconstruction measures came, overturned that government and put a government upon us, a constitution not made by the people, a set of officers not elected by the people. We were told by Congress that if we did not want that constitution; that if a majority of us did not want it, and would not vote for it, we should not have it; well, a majority did not vote for it, and certainly did not want it, and yet Congress put it upon us.

Question. It was defeated according to the terms of the law of Congress itself?

Answer. It was; it was defeated according to the declaration of General Meade, who was the military supervisor of election, the commandant of this district. Now, Congress said nothing about officers, but when that State convention met at Montgomery to reconstruct the State they not only made a constitution, but they put out a set of officers.

Question. Ordered an election for officers?

Answer. They ordered an election for officers, and, in a great degree, the men that constituted the constitutional convention organized themselves into a political convention, and nominated William H. Smith, and Applegate, and that set of officers, under this constitution. Well, the people of the State—it is all history, everybody knows it—determined that, under the act of Congress, the most feasible way of defeating that constitution was to stay away from the polls.

Question. Abstain from voting?

Answer. Abstain from voting; and the white people, with a unanimity unparalleled in ancient or modern times, staid away from the polls, in compliance with what they thought was the solemn declaration of Congress, in order to defeat that constitution. It was the most infamous and odious constitution ever proposed to a civilized community, and we regarded it as the most harassing and detestable outrage that could possibly be inflicted upon our people—the imposition of the State government upon us under this constitution.

Question. Am I correct in supposing that at the same time a full set of officers—county and State—were voted for, the democrats abstaining entirely from voting upon them?

Answer. Yes, sir; in the great majority of the counties of the State—I believe, with some three or four exceptions—the democratic party made no nominations at all, and the white people abstained from the polls.

Question. All these officers went into office under this constitution when it was declared absolutely adopted by Congress?

Answer. Yes, sir, by virtue of an act of Congress, that constitution was put upon us at length. I was in Washington at the time, and I know that the understanding there among the democrats was that Mr. Stevens—Thad. Stevens—and men who had some conscience left, would refuse to put that constitution upon us and would not go back upon the act of Congress which prescribed that if it was voted down, or if it did not get a majority of the registered voters, it should not be imposed upon us; that we should not have it unless we indicated by a majority of the registered voters that we wanted it. At that time the negroes were given the right to vote by this act of Congress; they were given the right to vote, and the large body of the most intelligent and prominent of the white people—the leading white men of the State—were disfranchised from voting. You see the fourteenth amendment proscribes them from holding office, but by this convention, down here in that election, they were proscribed from voting, and in spite of that—in spite of all the difficulties we had to encounter, that constitution failed to get a majority of the registered votes, and was so declared by General Meade.

Question. Have the affairs of your State been since administered under that constitution, and by officers elected at that time?

Answer. Up to last November, that has been true. A great many of these men were strangers. They were not only alien, but, in the opinion of the white people of the State, hostile to us. A great many of them were disreputable characters. A. J. Applegate, who was elected lieutenant governor, was one. I had occasion to look into his record, and published a statement in reference to his personal character, in which I proved so conclusively that any petit jury in any New England State would have convicted him of grand larceny upon the evidence furnished by his own declarations—his own letters. It gave him strength instead of injuring him. The publication gave him prominence in his party, and he was nominated for lieutenant governor, and was one of their most acceptable and eloquent orators—the favored orator of the Freedmen's Bureau. The facts about it were these, affecting his personal character. He had been a member—

By Mr. BUCKLEY :

Question. He is dead now, is he not?

Answer. Yes, sir; he had been a member— These charges were made by me while he was living. Every opportunity was given him to make his defense; he had no defense to make but a lie—a palpable, apparent lie. He had been a member of McPherson's body guard that stopped near Mrs. Jacob Thompson's residence in Mississippi. He was there taken sick and taken into her house, nursed and kindly treated by her. At that time and under those circumstances, he or some one with his knowledge and connivance stole the deeds and patents and valuable papers belonging to the Thompson estate. After the war he settled here and wrote a letter to Mrs. Thompson. In his first letter he thanked her for her kind and Christian treatment to him while he was sick, although he was an enemy to her cause, saying he would ever hold it in remembrance. The second letter called to her mind the fact that she had lost these valuable papers, and offering to return them or have them returned to her for a consideration. She wrote him back. The correspondence was published in full. I could give this committee a copy of it if they desire it. Finally he writes to her if she wants these papers better than she wants \$10,000, to send on the money and get the papers. That was just about his language, written in the most abominable and illiterate style. She then hands these papers to General Walker, of the firm of Walker & Brickle. They furnished me with Applegate's letters. They saw Applegate; had a long controversy with him about these papers. He said they were in Ohio, or somewhere in the Northwest; that they were in possession of a friend of his. Finally, instead of giving him \$10,000, they told him they would give him \$300, and would give him it to him the next day; that he must answer then and take the \$300, and give up the papers or get nothing; and next day he promptly came up with the papers, although he had said that they were not in town here at all, and he signed a receipt, in which he stated that he had taken possession of these papers during the war, and now returned them to Mrs. Thompson, upon the consideration of paying him \$300. I got these papers. I first got his receipt, which was given to me when I was chairman of the democratic executive committee, and I wrote a communication to the democratic papers here and furnished them with that receipt as an evidence of the fitness of A. J. Applegate for the high position of lieutenant governor of the State of Alabama, an officer who was to preside over the Senate. I went off to court, and during my absence a negro came there at night to my office while my partner, Captain Richardson, was there, and shoved an official envelope under the door, and ran down the steps. Mr. Richardson opened the door and took the envelope. He saw the negro running down the steps, and thought he recognized him as a negro who waited upon the Freedmen's Bureau here. The letter was signed "A. J. Applegate," not written by him; it was signed by him. Doubtless he had written the original and it had been copied. He said he came here as a private citizen to live in this community at peace with the people; that he had been greatly abused and denounced, and that forbearance had ceased to be a virtue; and if I made any further publications in reference to him he would hold me to strict personal account. As soon as I got back I hunted for Mr. Applegate, but he had left here and I never saw him afterwards—yes, I saw him the day he spoke here, the day of this riot—that is, I think I saw him on the stand and inquired if it was him; anyhow, upon the reading of this letter I immediately published in full all of his correspondence with Mrs. Thompson, both her letters to him and his letters to her, and the letters that passed between her lawyers in Mississippi and Applegate. I published the whole thing. He said in reply that he would get an affidavit from the man who had had possession of these papers, and that affidavit would exculpate him from the crime of stealing the papers in the first instance and extorting money from this lady for their return. That affidavit never appeared.

Question. Have you those papers with you?

Answer. I have not them with me. I think I have several copies of that correspondence at my office. It was published all over the United States.

Question. I wish you would bring it here.

Answer. The negroes here, believing that I had demonstrated that Applegate was a thief, voted for him with great enthusiasm for lieutenant governor as their representative man; that is a weakness of their race.

Mr. BLAIR. I wish to have that correspondence incorporated in this congressional document to show the sort of persons that Congress imposed upon the people of the State of Alabama as their rulers, in order to bring about peace, order and good government.

The CHAIRMAN. Colonel Lowe having given a very full statement of the transaction, I do not think our record should be burdened with the whole of the correspondence. It seems to me that is wandering very far from the purposes and limits of our inquiry.

Mr. BLAIR. I think there is no more pregnant fact than this as a commentary upon the condition of affairs in this State, and the fact that Congress forced upon these people, in violation of its own faith, a man of this character to occupy the high position

in which he was placed and then expect to produce good order and harmony in the State. I desire the record to show that I have endeavored to produce this correspondence to place it on the record, and I want the committee to vote on the question whether it shall go there or not.

The CHAIRMAN. We are commissioned by the joint resolution of the Senate and House of Representatives to inquire into the condition of the late insurrectionary States, so far as regards the execution of the laws and the safety of the lives and property of citizens of the United States, and it seems to me that this correspondence has no connection with the subject-matter of our inquiry.

The question being upon the motion of Mr. Blair to incorporate the documents referred to in the record of the testimony of the witness, William M. Lowe, the ayes and noes were taken and resulted :

AYES.—Mr. Buckley, Mr. Rice, the chairman. NOES.—Mr. Blair.

So the motion did not prevail.

The WITNESS. In this county—in the county of Madison—the nominees for the legislature upon that ticket were a man named Ronayne and two negroes. Ronayne is now the assistant collector or assessor of internal revenue for the Government of the United States, a man of the most disreputable character, a genuine specimen of the genus carpet-bagger. He came here just after the war; he lived in a state of adultery with a negro woman publicly; everybody knew it. His brother-in-law, a Mr. Hassett, got into a difficulty with him on the street and shot him about it. The grand jury of the county met and indicted him for it. His wife, a very cultivated and nice lady, came to see me about it. I was the solicitor. I told her I had nothing to do with it; that it was the grand jury's business; I could not pardon anybody or take any action except in open court upon the case; that she must see Judge Harolson, who was the presiding judge. She did so, and he agreed that he would protect Ronayne as far as he could. She apprehended that he might be sent to the penitentiary, or something of the sort done to him. All I know about the matter is that Ronayne finally came up and plead guilty and paid the costs, but I insisted upon his paying the fine for himself and the negro girl, which he gave bond and security to do. He was elected to the legislature under this constitution, and in that legislature or in the convention there was a bill passed for his relief, relieving him from the payment of these fines for these offenses to which he had plead guilty.

By Mr. BLAIR :

Question. Is this the man who is acting as sergeant-at-arms for our committee here ?

Answer. I do not know, sir. His name is Justes Ronayne. I believe he is a doctor or a sort of a doctor, but I know he is an assistant internal revenue collector or assessor for this district.

Mr. BUCKLEY. No such man is connected with this committee in any way at all.

Mr. BLAIR. I understood that such a man was in the employment of this committee as assistant sergeant-at-arms, at this time employed to bring witnesses here.

Mr. RICE. Employed by the majority or the minority of the committee ?

Mr. BLAIR. I did not suppose that the minority had anything to say about it.

The WITNESS. The candidate for senator here was Mr. I. D. Sibley, who was a carpenter here in town. I never heard him, or saw him, or spoke to him until recently, when he was the only republican senator who stood by Governor Lindsay and the democratic party in the determination to inaugurate him, in accordance with the law of the people, as governor of the State. I think Mr. Sibley was just a carpet-bagger in search of office down here, and thought we were in a down-trodden and oppressed condition and would be an easy prey for his sort. He came back here after the meeting of the legislature and told that some man by the name of Carlisle—I think that was the name; anyhow some minion of Stanton's—had given him \$500 for a vote of his in the senate.

By the CHAIRMAN :

Question. Did you hear him make that statement ?

Answer. No, sir.

Question. How do you know it to be true ?

Answer. He made the statement to Colonel Bradley and Nick Davis.

Question. Did you hear him make it to Colonel Bradley or Nick Davis ?

Answer. No, sir.

Question. How do you know he made it ?

Answer. I heard Mr. Kennard say he made it to Mr. Bradley.

Question. Does he live in this community ?

Answer. Yes, sir; I thought he had been before this committee. He is a republican candidate for the legislature. He made the statement first to Mr. Davis in his office, adjoining mine. As Sibley was going down the steps Colonel Davis came out of his office and said to me, "I have been very much surprised at a statement of Sibley that he was given \$500 for voting for the Stanton railroad bill."

Question. You did not hear that statement by Sibley?

Answer. No, sir.

Question. Your authority is Colonel Davis?

Answer. Yes, sir. Mr. Sibley is here in town.

By Mr. BLAIR:

Question. Mr. Bradley is also in town?

Answer. Yes, sir; Mr. Davis, Mr. Bradley, Mr. Kennard, and Mr. Sibley are all members of the republican party.

Question. Are they all in town here?

Answer. All are in town.

Question. Did I understand that the vote which he gave was in favor of a railroad project of a man named Stanton?

Answer. Yes, sir.

Question. A project by which Stanton obtained a large subsidy from the State of Alabama, for the purpose of constructing a railroad?

Answer. Yes, sir.

Question. That railroad is now the subject of considerable controversy between the officials of the State and Stanton and his company?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was it a subsidy or indorsement by the State of bonds?

Answer. It was a donation or loan of the straight State bonds; not an indorsement, but what we call the straight State bonds, two millions.

By Mr. RICE:

Question. Stanton built the road, did he?

Answer. I believe it is pretty well built. Mr. Sibley had made and printed, all over the State, a speech in opposition to this measure, for which he subsequently voted, and the \$500 was the reason, as I understood from those gentlemen, that he gave for that vote.

By Mr. BLAIR:

Question. That was the consideration of his vote?

Answer. The consideration. Well, now, we judge of the character of the men elected under that constitution, all over the State, by the characters of the men elected right here in our midst. The other two elected as representatives were common negroes, neither better nor worse than the most of them. They are both of them dead.

Question. Better than their colleagues?

Answer. Yes, sir; I think so.

Question. Certainly not stained with the crimes you have spoken of that their colleagues committed?

Answer. No, sir; there was nothing against their personal character as far as I know. They were very ignorant men, and very violent partisans. Callis, the man elected to Congress from this district, was, at the time of his election, here acting as a Federal officer and a Freedmen's Bureau agent. He presided on that stand in this room over a republican meeting, dressed in full uniform. I saw him. The regular nominee of the republican party was General Joseph W. Burke, a gentleman of character and education. Colonel Callis was an independent candidate, and was elected by the negro vote. When the constitution was rejected by the people, and declared rejected by General Meade, and the fact communicated to General Grant and by him communicated to Congress, and the action of Congress looked to the rejection of the constitution, Colonel Callis left here, and I understood from the papers went upon duty in Mississippi as an Army officer. He afterwards, however, returned to Washington, and was admitted to his seat.

Question. Are there any other facts within your knowledge bearing upon the question which I asked you in regard to the character of the government which was inaugurated here, and its effect upon the peace and order of the State?

Answer. Well, sir, I regard the most aggravating and disagreeable fact in the whole business of reconstruction to have been the intrusion of what is known in the South as the carpet-bag element. General Spencer and General Warner were elected to the Senate of the United States.

Question. By that legislature?

Answer. By that legislature; both of them men recently coming into the State, and men whom we supposed and whom we considered as the representatives of the negro race, in combined hostility to the white race. As far as I know, every member of Congress elected at that time was a recent acquisition to the State of Alabama.

Question. Were the county officers of the same stripe?

Answer. I believe so, sir; they were in a great degree of the same character. The

scalawags were generally ignored by the negroes. They had been slave-owners and native southern men, many of them implicated, although old Union men, in the rebellion, and the negroes did not, or were taught not to regard them as safe representatives as those men who had come from the land of freedom and fought for their liberty. Generally in the South, the scalawags, as they were called, that is the lower order of the native republicans, were more odious, if possible, than the carpet-baggers, but they never were so to me, because I thought they only wanted office. I never knew one but what I could ascribe some personal motive to his going into the republican party, some selfish motive. I thought that as soon as he had got office his native instincts would come to his assistance, and that he would have to be either more or less than human if he would not feel kinder to his people than men whose traditions and personal history, and personal interests, too, were hostile to us. I felt toward them like the black Douglass felt toward Baillie Nicol Jarvie, when he said to him, "I don't think you would seek my death, because we are a sort of kin, and for the sake of Auld Lang Syne we have some feelings in common." Nevertheless, the carpet-bag element took the lead in the formation of the constitution, and in holding all the offices, and in carrying the State back in the reconstruction policy, and I regard that as the prolific source of a great deal of trouble and prejudice and bitterness. I think it was after this riot of 1868 that there was a meeting called in this court-house. I believe in all the papers of this town an indignation meeting was called for the purpose of denouncing the Ku-Klux and putting down disguised men. I was not at that meeting, but a large body of the white men were at it. Governor Chapman presided over it, a highly respectable ex-governor of the State. I believe a large share of the best citizens of the town and county were there. They denounced the Ku-Klux and all disguised and lawless men. Being the chairman of the executive committee I was requested to address the democrats upon the subject of disguised men, and I did it a short time after that meeting at a public meeting held down here.

Question. In the court-house yard?

Answer. In the court-house yard; in which I expressed the views in reference to the organization and conduct of the Ku-Klux Klan that I have expressed before this committee. After that there were few or no Ku-Klux outrages in this county. The only one that I know anything of was never charged as having been of a political character. It was in reference to Prior Turner, a negro who has testified before this committee. I was his attorney. He was one of the leaders; one of the most ultra and violent leaders in the League. He came to employ me to prosecute these disguised men. The facts were these: his wife had gotten into some quarrel at Madison Station, in this county, and had left the place. He went down to get her clothes and household furniture, and while sitting in a grocery two disguised men came in and seized him, and when they carried him to the door he broke and run. They fired upon him and wounded him, and he came to my office after having run from Madison Station, which is ten miles away, to this town. He reached here, early in the morning, about daybreak. He asked me what to do. I told him to go before Mr. Figures, the mayor of the town, and the editor of the republican paper here, and make an affidavit, charging these men with this outrage. He went before another officer, a very honest and competent old old gentleman named Squire Wilson. When I found that out, I asked Mr. Wilson to summon Mr. Figures to sit with him in that case. He did so, and Mr. Figures and Mr. Wilson made the preliminary examination as to whether these men, charged by Prior Turner with this outrage, should be bound over to the circuit court. These two men, whose names were Long and Martin, were defended upon the ground of an *alibi*, proven by negroes, and the court refused to bind over the parties charged. I believe that that is the only Ku-Klux outrage, or outrage by disguised men, that I have heard of.

Question. This region of North Alabama, as it is known and understood, was, prior to the war, strongly in favor of the Union?

Answer. Yes, sir; Douglas and Bell swept all this portion of the State, but in that contest the issues of union and disunion were not so strongly drawn as in the subsequent contest for members of the secession convention.

Question. In that what was the result, so far as North Alabama was concerned?

Answer. It was unanimously for the Union.

Question. Many of the people in this portion of the State went into the Federal Army afterwards?

Answer. Yes, sir; a large number of them.

Question. State to the committee what are the political sentiments of this region of country, so far as the white people are concerned, including the Federal soldiers that served in the Army of the United States going from this region.

Answer. The present political sentiment of the white people of this country, including all classes, is almost unanimously conservative. They are for the Union; they are opposed to secession; they are in favor of maintaining the three constitutional amendments, declared ratified as the result of the war; but they were very much opposed to the past administration of the State government, the reconstruction

government, and they are opposed to the present administration of the Federal Government.

Question. Does this apply as well to those Union men here who entered the Federal Army—I mean the native Alabamians—that large number who were for the Union at first, and until a *de facto* government was formed, and to those who entered the service of the confederate government?

Answer. I think it does, sir. I do not know; and I am very generally—almost universally—acquainted through here. I do not know a single man of any prominence who was in the Federal service from this section of the State who is not now a democrat, and they are generally the most ultra and bitter democrats, for the reason that they think they have cause to add to their feelings the sting of disappointment and ingratitude, that they have been treated just as the balance of the community has been, that is, placed under the control of this ignorant, irresponsible, and vicious influence. Captain Dickey, as fearless a man as I know, a resident of this county, who was in the Federal Army through the war, is an ultra democrat, and in the last democratic convention we held here, three or four weeks ago, he was a delegate chosen from what is known as the white region in this county, over at Birna, and he told me that all of his company that were now living were democrats and would support the regular ticket.

Question. How is it, as far as your knowledge extends, in relation to the Federal officers from the North residing here?

Answer. Well, sir, I was a candidate for the legislature last year—not quite a year ago—and was looked upon as ultra, perhaps not as ultra, either, but as a very decided democrat, and I believe that I received the suffrage of every northern soldier living in this county. I am sure I had the active and warm support of Colonel Vanvalkenburg, of Captain Day, of Captain Fordyce, of the banking firm of Fordice & Rison, and of a number of other northern men and northern soldiers who lived in this county.

Question. Is there any prejudice at all in this State against northern men who came here for the purpose of carrying on business, and following any avocation, and to mingle their fortunes with those of the people of this State as citizens?

Answer. No, sir; on the contrary, there is a very earnest desire that they shall come. We have immigration societies all over the State. General Clanton, the chairman of the democratic executive committee, organized an immigration society and appointed me an agent of it in this region of the State. I was in favor of getting men from the North in preference to men from Ireland and Germany, for our experience has taught us that the men from the North who come here decided and consistent republicans, by the time they stay here the requisite time to vote, vote the democratic ticket, and I believe I would be glad if ten thousand men, every one of them republicans from the State of Massachusetts, would settle in the county of Madison to-day. I believe that a majority in numbers, and a very large majority in intelligence and property, would vote the democratic ticket at the next election.

Question. You think that seeing with their own eyes the condition of affairs here would enable them to judge for themselves much better than by the stories that are circulated at the North with regard to the disposition of the people of this State?

Answer. Yes, sir; I have no doubt of it. The best means of judging is upon personal experience, and when their interests are identified with our interests our sympathies become mutual.

Question. You have common interests and sympathies?

Answer. Common. I remember a gentleman who came here, who was the editor of a leading republican paper, by the name of Mr. Fry, for the purpose of investing in this State. I had repeated conversations with him. He came from Ohio. He told me he had been a life-long republican, but that if he lived in Alabama he did not see how he could act with the republican party in its local organization. He told me, moreover, that, on his first visit here, returning to his country, they seemed delighted to see him back safe, and seemed surprised that he, a bold and decided republican, had come safely from this region of Ku-Klux and chimeras dire, and were incredulous as to the description he gave of the character of the people and the treatment he had received. I discussed with him the reconstruction measures and the different acts done by the Federal Government to the people of the South during and since the war, and he expressed himself as favoring them all. He said that he thought at the time that they were necessary, that this military supervision was necessary to preserve order and to keep down outbreaks; but that he never anticipated placing the government of a country in the hands of the most ignorant and incompetent class of society.

By the CHAIRMAN:

Question. Colonel Lowe, are you, at this time, chairman of the executive committee of the democratic party of this county?

Answer. No, sir; upon being elected to the legislature I resigned that position.

Question. Are you a member of the congressional or State executive committee of the democratic party?

Answer. I am a member of the congressional democratic committee.

Question. Not of the State?

Answer. No, sir.

Question. Have you ever been relieved of your political disabilities?

Answer. I never had any.

Question. You never held any office before the war?

Answer. No, sir; I was at school when the war came on. The test-oath prevented me from holding any office, as it prevented every man who had participated in, or aided, or abetted the rebellion; but I believe the test-oath has been repealed, and I am now eligible to any office.

Question. You spoke of Mr. Shapard, a witness, who testified before the committee. Are you acquainted with his character in the neighborhood where he lives?

Answer. Yes, sir.

Question. Did you ever visit that neighborhood?

Answer. Yes, sir, frequently; I practice law there; it is Blount County. I have been there frequently.

Question. I speak of the neighborhood where he lives; I do not speak of the entire county of Blount.

Answer. He lives near Summit.

Question. He has a good many enemies, has he not?

Answer. I do not know, sir; I think not.

Question. Has he not made himself very obnoxious to the democratic party in Blount County?

Answer. Not that I know of; I thought he was a democrat. At the time these prosecutions were instituted against him there was no democratic or republican organization in this State.

Question. He never was convicted upon any of those indictments, I understand?

Answer. No, sir; I do not think he was. He told me he had been indicted before the war for stealing. I do not know whether he was convicted then or not. I never convicted him; I never prosecuted him for but one. I was turned out of office before I got around the next time.

Question. He had made application to Colonel Davis to be his counsel, had he not?

Answer. I understood he had, for Mr. Davis told me he had, but he told me he would not go; he would not go to Blount. Blount is a very inaccessible portion of the country, and he would have to go by private conveyance over the Tennessee River, and over that range of mountains, and it is a very rough road.

Question. Was the continuance you spoke of his having got in one case, to a future day of the same term, or to a future court?

Answer. It was both, I think. I think it was continued to a subsequent day of the same term, and then continued for the term.

Question. Was not his application simply for a continuance from day to day?

Answer. I do not remember distinctly how it was.

Question. The indictment against him for stealing, you say, was quashed?

Answer. Yes, sir; that is my recollection of it; that the value of the property charged to have been stolen was not stated in the indictment, which just said "hogs." In an indictment in this State, Mr. Pratt, for the stealing of a horse you do not have to state the value of the horse, but just say the stealing of a horse or horses; but a man may steal a hog, and if it is worth a hundred dollars the value of it has to be given, under our statutes. The horse, though he might not be worth \$10, if he is stolen, need not have his value specified, because it is a grand larceny to steal a horse. The stealing of any horse, mare, or gelding, without regard to its value, is grand larceny.

Question. The indictment, then, under your construction of the statute, was a bad one?

Answer. Yes, sir; that was my idea. I think it is a doubtful question. I did not write but one of the indictments against him. I think the indictment for assault with intent to murder was an old indictment, probably written by Judge Harolson, or one of my predecessors.

Question. You spoke of the Loyal Leagues as the cause of the Ku-Klux Klan and as the effect. Did you ever see the constitution of the Union League?

Answer. No, sir; I never saw the constitution of either of these organizations.

Question. How do you know, then, what the object of the Loyal League was?

Answer. I judge from its effects. That is all I know about the Ku-Klux organization.

Question. You say it was a secret organization. Did it not hold its meetings publicly and in daylight?

Answer. The League?

Question. Yes, sir.

Answer. No, sir; I never knew nor heard of a public daylight meeting of the League. It was a favorite expression of ours, to say that they met in the dark hours of midnight, when all honest men ought to be abed and asleep, and, we sometimes said,

when all honest men were in bed and asleep. I know they held a meeting down here. I did not see it, but it was the universal talk in the community. There were some members of the League who were in disfavor with it. They met at a negro church in this community, and they had a sentinel marching up and down each side of the church with a musket. I remember to have heard General Hayden, who was in command, say, or intimate, that he would not allow any such proceedings as that, or something to that effect, the use of arms at a political meeting.

Question. Do you know, of your own knowledge, that these Leagues held their meetings after night?

Answer. No, sir; I do not. I know nothing of them, of my own knowledge.

Question. Nor of their purposes?

Answer. No, sir; I only judge from the effects.

Question. Did you ever know of any violence committed under the authority of the Loyal League?

Answer. I remember at a public meeting, held upon the north steps of this building, there was a proposition made by a gentleman of this community to speak. He was a republican, one of their favored orators. The meeting was presided over, I think, by Judge Douglass, the probate judge here. I remember he put the question as to whether this gentleman should speak or not. The negroes said he was against the League, and that he should not speak. I heard that; I was present. I heard several of them. There was great excitement, and great danger of a mob and row and a fight. One or two of the negroes were very violent. I was standing with General Hayden, who was the commandant of this district then. The negroes voted down the proposition—that is, they voted no, that he should not speak—and the other side, the aye, was never put; whereupon this gentleman said he would speak to those that wanted to hear him, after their meeting adjourned. Their meeting adjourned, to meet here in this room. The crowd started up this way, and this gentleman began to address some negroes and white people that were standing in the court-house yard, whereupon some two or three negroes, headed by a negro named George Williams, who is in this town, were very violent, cursing and swearing. They swore that he should not speak; that he was a democrat and a rebel, and was opposed to the League, and that he should not speak. I advanced to where this negro was. My purpose was to knock him off of the block, but General Haydeh stepped up to him and told him he must stop that disturbance there or he would have him arrested, and he did stop.

Question. This was a political meeting, I understand you?

Answer. Yes, sir; a republican meeting.

Question. Then it was not a meeting of the Loyal League?

Answer. No, sir.

Question. My question was whether you knew of any act of violence committed under the authority of the Loyal League?

Answer. It was supposed, and I believed and still believe, that the attempt on the part of these negroes to prevent this gentleman from speaking was by order of the Loyal League.

Question. Give us your authority for that belief. You have reasons for it?

Answer. Yes, sir; the statement of the facts of the case; the negroes saying he was against the League.

Question. That is the only evidence?

Answer. And the fact that he was going to speak against the League, and they were preventing him from speaking against it. That is my reason for thinking they were acting under the authority of the League.

Question. That is your only evidence?

Answer. Yes, sir; that is my conclusion.

Question. Do you know any other act of violence committed under the authority of the Loyal League?

Answer. No, sir; I do not. I just know the general information of the community here, that they met in secret, and met with arms.

Question. You do not know that as a fact?

Answer. No, sir.

Question. Did your informants know that to be a fact?

Answer. I never was present at any of their meetings.

Question. Were your informants present at any of their meetings.

Answer. I have heard negroes speak of the meetings of the League, and of going to them with arms. A negro boy that was with me in the army—my body-servant—was one.

Question. Was he a member of the League?

Answer. Yes, sir.

Question. With your approbation?

Answer. No, sir; very much against my approbation. I finally lost all personal control over him, greatly to my regret.

Question. When was this League organized in this city?

Answer. I believe it was organized immediately after the war—probably about the latter part of Patton's administration. I remember of hearing Judge Humphreys, who is now judge at Washington, in the District of Columbia, say that he had been asked to join the League, and threatened, politically, if he did not. They said all true republicans must join the League, and if they did not they were not to be counted in.

Question. You understood it, then, to embrace white men as well as colored men?

Answer. I do not know that the League embraced many white men. I think it embraced very few. I think this invitation was extended, and they declined, in some instances.

Question. You think it embraced very few?

Answer. Very few. Judge Lewis, a very cultivated and accomplished lawyer and gentleman here, who was a member of the confederate congress during the war, was temporarily a member of the League. He became disgusted, and came out in a letter that was regarded as rather severe upon the League and upon the carpet-baggers.

Question. Was he a republican?

Answer. Yes, sir; and is yet a very bitter republican.

Question. When did that organization cease to exist?

Answer. Well, sir, I think it ceased to exist in 1869. I have not heard any talk of it lately.

Question. Was it got up by the negroes themselves?

Answer. I do not know, sir; I have no idea. I have an idea, too. I think it was gotten up by the carpet-baggers. I remember one night it was reported that the League was meeting in here—in this court-room—I do not know whether it was or not—and that Judge Lewis presided over it, and that there were only three white men there; I think Douglass, the probate judge; Sibley, the senator, and Judge Lewis—that he staid for awhile; that the room was crowded with negroes, and the odor was too loud and fragrant, and he resigned his position and left. That is what was said. I have heard men laugh at him about it. I think he was the only native. Judge Humphries, Colonel Davis, Mr. Bradley, and Mr. Figures, I think, declined to join the League.

Question. Was Colonel Davis a member of it?

Answer. No, sir; he was very hostile to it.

Question. You have used the epithets "carpet-baggers," and "scalawags," repeatedly, during the course of your testimony. I wish you would give us an accurate definition of what a carpet-bagger is and what a scalawag is.

Answer. Well, sir, the term carpet-bagger is not applied to northern men who come here to settle in the South, but a carpet-bagger is generally understood to be a man who comes here for office sake, of an ignorant or bad character, and who seeks to array the negroes against the whites; who is a kind of political dry-nurse for the negro population, in order to get office through them.

Question. Then it does not necessarily suppose that he should be a northern man?

Answer. Yes, sir; it does suppose that he is to be a northern man, but it does not apply to all northern men that come here.

Question. If he is an intelligent, educated man, and comes here for office, then he is not a carpet-bagger, I understand?

Answer. No, sir; we do not generally call them carpet-baggers.

Question. If he is a northern man possessed of good character and seeks office he is not a carpet-bagger?

Answer. Mr. Chairman, there are so few northern men who come here of intelligence and character, that join the republican party and look for office alone to the negroes, that we have never made a class for them. I have never heard them classified. They stand *sui generis*. I do not know that they have any classification. But the term "carpet-bagger" was applied to the office-seeker from the North who comes here seeking office by the negroes, by arraying their political passions and prejudices against the white people of the community.

Question. The man in addition to that, under your definition, must be an ignorant man and of bad character?

Answer. Yes, sir; he is generally of that description. We regard any man as a man of bad character who seeks to create hostility between the races.

Question. Do you regard any republican as a bad character who seeks to obtain the suffrages of the negro population?

Answer. We regard any republican or any man as a man of bad character, whether he is native or foreign born, who seeks to obtain office from the negroes by exciting their passions and prejudices against the whites. We think that a very great evil—very great. We are very intimately associated with the negro race; we have a large number in the country, and we think it essential that we shall live in peace together.

Question. Do you regard Senators Warner and Spencer as in the category of carpet-baggers?

Answer. Yes, sir.

Question. Is Senator Warner an ignorant man of bad character?

Answer. Well, we have Senator Spencer's word for it. I never spoke to Senator Warner in my life, and I know very little of him; but Senator Spencer says he is a very trifling and worthless man.

Question. Do you regard Senator Spencer as an ignorant man and of bad character?

Answer. I have a very slight acquaintance with General Spencer; I know him; I do not think him an ignorant man; I think him, from the authority of those who know him intimately and well, to be an unprincipled man. Ex-Governor William H. Smith, of this State, in the last campaign, published a letter—and you can get the letter upon the files of the Huntsville (republican) Advocate—containing a statement to the effect that Senator Spencer lived upon the passions and prejudices of the races; that the breath of peace would leave him on the surface, neglected and despised.

Question. I am not asking for Governor Smith's opinion, but your own?

Answer. Well, sir, I believe Governor Smith.

Question. Did Senator Spencer seek to array the negroes against the whites?

Answer. Yes, sir. One of his shysters and agents here, in the last election when I was a candidate, circulated the most infamous lies about me all over the county, to the effect that I would deprive the colored people of the substance of personal freedom if I got into office, although I told them the contrary; that I would deprive them of suffrage if I got into office; that I would do everything to injure them in person and property. His agents who were in his confidence did this. They told me they were in his confidence, and I have no doubt they did it to subserve his political interests.

Question. Did Senator Warner ever seek to array the negroes against the white race?

Answer. I have no personal knowledge of Senator Warner's personal or political antecedents in this State except what is public.

Question. Having given a definition of the carpet-bagger, you may now define scalawag.

Answer. A scalawag is his subservient tool and accomplice, who is a native of the country.

Question. How many of the white race in the county of Madison vote the republican ticket?

Answer. I do not think, and I have very accurate means of judging, that a hundred ever voted it.

Question. You class them all as carpet-baggers and scalawags?

Answer. Yes, sir.

Question. Are all of them seeking office?

Answer. No, sir.

Question. Are all of them ignorant men and of bad character?

Answer. No, sir.

Question. Are all of them natives of the Northern States?

Answer. No, sir.

Question. Why do you classify them as carpet-baggers and scalawags?

Answer. I have told you that I classified as carpet-baggers those who came down here, who come within that definition, coming down here and seeking office from the negroes by arraying their passions and prejudices against the white people. I classed the others as scalawags. They are more or less scalawaggers, according to the part they play in this political programme.

Question. What proportion of this one hundred white men who vote the republican ticket are seeking office?

Answer. It would be impossible for me to say. I believe that there are very few of them that would decline to serve their country in a lucrative office if they could get it.

Question. I am asking for your knowledge and information. How many of this one hundred who you suppose vote the republican ticket seek office and have come here for that purpose?

Answer. A good many of them are born here. I include both the carpet-bagger and scalawag in that number.

Question. Separate them and tell what proportion came from the North and what are native.

Answer. I think they are about or very nearly equally divided; probably there are more scalawags than carpet-baggers. I think they are pretty equally divided in this county. This has been the headquarters of radicalism in this State.

Question. Is scalawag regarded as a term of opprobrium?

Answer. Yes, sir; it is regarded as a term of political opprobrium, just as the term "bourbon," and "mossy-bank," and one term and another are politically opprobrious.

Question. I return to the question, what proportion of the fifty northern white men who vote the republican ticket are seekers for office, according to your knowledge and information?

Answer. Well, sir, it is impossible, Mr. Chairman, for me to say. I really do not know the proportion. I believe that a very large majority are office-seekers or office-holders.

Question. If you believe that, you have your reasons. Will you please give your reasons.

Answer. Well, sir, if you were to present me with a list of these men, and just let me see their names, with my intimate association with politics since the surrender, I believe I could put my finger upon some time or place in the history of two-thirds of these men when they either held or sought office in this county.

Question. You may now give the names of such white men who have settled in the county of Madison as are now seeking office or have held office. Please enumerate them.

Answer. It would be impossible for me to enumerate them all. I would name, taking them in chronological order, Callis.

Question. Does he still live here?

Answer. No, sir.

Question. I am speaking of the present republican white men from the North; you say there are about fifty whom you denominate carpet-baggers. What I desire to know is, who of these men are at present seekers of office or have come here for the purpose of getting office, or have held office heretofore?

Answer. Well, I would mention Mr. Moss, a man I never saw; he lives out in the country.

Question. Is he seeking office?

Answer. Yes, sir.

Question. How do you know it if you have never seen him?

Answer. I know he is published in his organ as a seeker for office now.

By Mr. BLAIR:

Question. A candidate?

Answer. Yes, sir; nominated by some negroes that met here. And Colonel Rugg, who was a Freedmen's Bureau agent here. He is the postmaster, and he is a candidate for county treasurer. He has been a candidate for the legislature, and I think he is a standing candidate for any office that is up.

By the CHAIRMAN:

Question. Is he not a very intelligent man?

Answer. I do not know, sir, whether he is or not.

Question. Is he not a man of good character?

Answer. I do not know.

Question. Was he not a gallant soldier in the United States Army during the war, and wounded?

Answer. I never heard of it. I do not think he stands very well in this community. I remember on one occasion he went down to the depot here, without authority of law, and arrested some negroes—took them from the possession of the civil authorities, I believe; but you can get a much more accurate statement of the whole affair in the newspapers.

Question. I did not ask for details; if he is a man of bad character I want to know it.

Answer. I never heard of his stealing or murdering anybody, but I think he lost caste among gentlemen for that. Mr. Figures was mayor of the town, and had arrested the negroes—

Question. I do not ask you for the details. If he is a man of bad character say so; if of good or fair character, I want to know it.

Answer. I think to that extent he lost caste in this community.

Question. Who is the next on the list?

Answer. Mr. Moss.

Question. You have named him; that was the first one. Mr. Rugg you have named also. Who next?

Answer. Do you want me to name office-holders?

Question. Office-holders and office-seekers.

Answer. Well, here is Sibley, the senator; and Douglass, the judge of the probate court; and Ronayne, and Thomas, the United States marshal. I believe those are all the names of sufficient prominence.

Question. You have named six out of fifty. Does that exhaust the list?

Answer. That does not exhaust the list of carpet-baggers in Madison County, but I do not remember their names at present.

Question. I am not asking for the list of carpet-baggers in Madison County, but that class of carpet-baggers who have come here to seek office and who hold office?

Answer. Well, I do not remember any others at present.

Question. Now you may give the names of all the parties whom you denominate scoundrels in Madison County, who were or are at this time seeking office or who have joined the republican party for the purpose of obtaining office? Give us their names so that we may have an entire list?

Answer. Well, I will give you the name of William B. Figures; I believe he has held

four or five offices at the same time. I think he is entitled to prominence. He is a very clever man personally, too.

Question. Is he an intelligent man?

Answer. Yes, sir.

Question. And a man of good character?

Answer. Yes, sir; he is a man of pretty good character.

Question. Is he the subservient tool of the carpet-baggers?

Answer. I think so; I think he has sort o' broken loose, though, of late.

Question. You do not think then he is any longer an accomplice of the carpet-baggers?

Answer. Well, I do not know to what extent he is. He is very mercenary, however.

Question. You think he is at this time a scalawag?

Answer. I do not think the carpet-baggers would trust him to the extent that they have heretofore.

Question. When he ceases to be trusted by the carpet-baggers he is no longer a scalawag?

Answer. Then he grows in grace with the democrats.

Question. Then the opprobrious epithet is taken off?

Answer. Oh, we allow an opportunity to repentant scalawags; for

"While the lamp holds out to burn,
The vilest scalawag may return."

Question. You have given one scalawag; will you please go on with the list? You said there were fifty scalawags?

Answer. I will give you T. U. Green.

Question. Does he hold office?

Answer. I do not know whether he does or not.

Question. Does he seek office?

Answer. He may be a candidate now. I understood he was a candidate for county treasurer. I do not know whether he is or not.

Question. Who next?

Answer. Well, I would give you Nick Davis.

Question. Go on with the list?

Answer. Mr. Bradley—Joseph S. Bradley.

Question. Is he an intelligent man?

Answer. Yes, sir, I think so.

Question. A man of good character?

Answer. Yes, sir.

Question. His only crime then is that he seeks office, or holds office?

Answer. He holds office by the appointment of Governor Smith, and is seeking office now, he says, in his latest political effusion, as a kind of independent patriot, hoping to get votes from both parties. He was nominated by a republican convention, though.

Question. Go on with the list.

Answer. I believe those are about all of any prominence that I know of.

Question. You have now enumerated six men whom you designate as carpet-baggers, and four men whom you designate as scalawags, as the only persons you can remember among the white men who vote the republican ticket in Madison County, who either hold office or are seeking for office. Do I understand you correctly?

Answer. No, sir; I was naming the most prominent. I could name others. I would name Kennard.

Question. I want the entire list.

Answer. I will name George Kennard, an old man named Balch, and a man by the name of Cross; a man by the name of Murphy. I think those are all classed as scalawags.

Question. From Figures down?

Answer. Yes, sir.

Question. Does that exhaust the list of scalawags who either hold or seek office?

Answer. No, sir, it does not; I do not remember their names, though.

Question. If you do not remember their names, designate their localities. I want to get at the exact number.

Answer. Well, I could not possibly do it. Many of them are men that I do not know. I hear of them figuring in the public meetings of the republican party. They come out and profess their republicanism, and the next thing we hear of them they are candidates nominated by some negro meeting for office.

Question. I want the entire list of such candidates.

Answer. I do not remember any more at present. I would be glad to put them on record if I could think of their names.

Question. You think there are others besides those you have enumerated?

Answer. Yes, sir.

Question. Do you think you will be able to furnish the committee their names?

Answer. I will try to do so if the committee desire it.

Question. Now what office does Mr. Kennard seek or hold?

Answer. He was a candidate for the legislature here. He has been a register of negro voters—going around registering them. He was appointed by Spencer to some position in the Mobile custom-house, but he was turned out by Warner's friends, because—I believe I heard it from him—he was in the influence of Spencer.

Question. What office does Mr. Balch hold or seek?

Answer. He was county commissioner here, and was considered the head and leader of the Loyal League out in his locality.

Question. I am asking you of the men who now hold or seek office among the one hundred you have denominated as scalawags and carpet-baggers?

Answer. Well, sir, they have regular conventions and they nominate their candidates.

Question. Is Mr. Balch a candidate at present?

Answer. No, sir.

Question. Does he hold any office?

Answer. No, sir, none at all.

Question. Do you know that he is seeking any?

Answer. I do not know that he is now, but I know he sought the office of county commissioner, and was commissioner.

Question. What office does Mr. Cross hold, or seek?

Answer. I believe he is county collector, or assessor, or something of the sort now. I do not know whether he is a candidate or not.

Question. What office does Mr. Murphy hold or seek?

Answer. He seeks the office of sheriff. I think he is a sort of democrat who was nominated by the republicans.

Question. Still you regard him as a scalawag?

Answer. He is classed as a scalawag. I really do not think he is in sympathy with his party. I think that he is a democrat, but allowing himself to be used by them in order to get office.

Question. Is there any such a cross as a democratic scalawag?

Answer. It seems that he is trying to create it. We have democratic radicals.

Question. How do you classify Captain Day, who is clerk, I believe, of the district court of the United States, and *ex officio* commissioner?

Answer. He has never been politically classed. He never took any part in politics at all.

Question. Does he hold office under the Federal Government?

Answer. Yes, sir.

Question. Do you regard him as a carpet-bagger?

Answer. No, sir.

Question. A northern man?

Answer. Yes, sir.

Question. Did he come here seeking office?

Answer. No, sir.

Question. Did he come into the State seeking an office?

Answer. No, sir; I do not think he did. I do not know that he did.

Question. Has he not held office in some capacity all through since he came?

Answer. I do not know. I never knew him until he came here.

Question. What distinguishes him from the genuine carpet-bagger?

Answer. Because he does not associate with the negroes; he does not seek their society, politically or socially; he has nothing to do with them any more than any other white gentleman in the community.

Question. He votes with the democratic party?

Answer. I think he voted for Smith.

Question. Did he not vote for Dox?

Answer. I think he did.

Question. Was he not a democratic delegate to that convention?

Answer. Yes, sir; he was spoken of as a candidate himself, but he did not desire the nomination. He told me he did not want it. He said he did not think it was reputable for a northern man to come down here and be seeking offices that southern men could hold, and he preferred his name should not be mentioned.

Question. As I want to get at the true definition of these terms, I will inquire of you if a northern man comes into Alabama intent upon obtaining office, and seeks to obtain an office through the instrumentality of the democratic organization, is he a carpet-bagger?

Answer. No, sir; the term is never applied to a democrat under any circumstances. Figures sometimes calls Judge Dox a democratic carpet-bagger, but that is a misnomer. No democrat who seeks office through the virtue, intelligence, and property of the country, who says, "Gentlemen, your best men are disfranchised by the act of Congress; I do not care particularly about office, but as you cannot hold it I will go there, knock your chains off, and get you a chance."

By Mr. BLAIR :

Question. Mr. Dox lives here ; married here ?

Answer. Yes, sir ; but Mr. Figures calls him a democratic carpet-bagger.

By the CHAIRMAN :

Question. Do you say that the democratic party embraces all the intelligence and property of the country ?

Answer. Not all of it ; but I think ninety-nine one-hundredths of it.

Question. Do you speak of Madison County or of Alabama generally ?

Answer. Well, sir ; so far as my knowledge extends throughout the State, that is true that a great mass of the property and intelligence is in the democratic party of the State.

By Mr. BLAIR :

Question. And character ?

Answer. Yes, sir.

By the CHAIRMAN :

Question. You spoke of the organization known as the Ku-Klux Klan. Will you tell the committee when, from your best knowledge, that society was organized ?

Answer. I think it was organized in the spring of 1868. I think so ; I am not certain of that, but I think it was organized in the spring of 1868, and continued for five or six months. It originally existed in Tennessee. It was up there for some time.

Question. You say it existed in this State for only five or six months ?

Answer. I am speaking about this county ; of that I know.

Question. Well, Madison County. Do you say it existed only for five or six months in Madison County ?

Answer. I think so.

Question. What means have you of knowing when it sprang into existence ?

Answer. Just what I heard ; what was the general talk at the time. I had some conversation with General Forrest, and an intimation from him that he had something to do with the organization in Tennessee, and I told him I was chairman of the democratic executive committee, and if there was any secret organization of that sort that they had in Tennessee, about which we were talking, that I would be charged with being in sympathy with it, and even if I approved of it I would not join it, but I told him I did not approve of it. I thought it might be of temporary service, but it would bring trouble upon the country.

Question. Did he tell you what were the principles and purposes of that order ?

Answer. He said, first, generally, that it was to protect society, and talked more about Tennessee than anything else. He said that Brownlow was drilling his negro militia all over up there, and bad white men, and they had organized for the protection of society in Tennessee.

Question. You have read what purported to be the constitution of this order, its by-laws, and the oath which its members take, I suppose ?

Answer. No, sir ; I never saw it. I did not know that it had any by-laws or constitution. I never had anything to do with it.

Question. You have never seen, in any print whatever, what purported to be the obligation of the members of the Ku-Klux order ?

Answer. No, sir. I saw some newspaper statements recently, that some man in North Carolina had testified in reference to it, but I did not see what he had testified, only that he had testified as to its grips, and pass-words, and signs, and as to its organization ; but I did not read it.

Question. While it existed in this county was it a secret organization ?

Answer. I believe so, sir. I never knew a man that belonged to it. I never heard anybody say he belonged to it. I never heard anybody say that anybody else belonged to it.

Question. Did it hold its meetings in daylight or at night ?

Answer. I do not know.

Question. What was the repute ?

Answer. O, at night, I suppose.

Question. Was it an armed organization ?

Answer. Yes, sir ; the only time I ever saw it they had arms.

Question. And they were disguised ?

Answer. Yes, sir.

Question. How do you know when it ceased to exist in this county ?

Answer. I just judge from the fact that it committed no further outrages ; that it did not appear in public, and committed no outrages. Some time after the presidential election we held a public meeting here, and it was thought that that public meeting had a great deal to do with it.

Question. Did you see anything of this order in the spring of 1868 ?

Answer. No, sir ; I never saw any Ku-Klux except the night of the riot, which I have

told you. I was in a sort of control and management of the Huntsville Independent, and whenever these outrages would happen I would denounce them and criticise them. The Huntsville Democrat here invariably did it, and very bitterly and boldly. The Huntsville Advocate invariably reported every outrage of that sort.

Question. What was the number of outrages that were charged to the Ku-Klux Klan during its existence here?

Answer. I do not know, sir.

Question. Were they numerous?

Answer. No, sir; not many in this county.

Question. You say they were denounced by both papers?

Answer. Yes, sir; whenever disguised men committed any outrage.

Question. Your papers commented on such as occurred in this county, I understand you?

Answer. Yes, sir.

Question. Will you now state to the committee the number and character of these outrages, so far as your memory may allow you to do so?

Answer. Well, I have heard of some five or six. I do not know anything about it myself—nothing more than what I got by contradicted and current rumor. I remember of one instance, where an old man named Smith was charged with murder in a case of circumstantial evidence. He was acquitted by a democratic white jury, most of them confederate soldiers. Everybody believed he was guilty. His attorney, with great ingenuity and power, admitted that there was every probability of his guilt, but thanked God that in this country we were yet too free to have a man hung upon probabilities.

Question. What was done with Smith?

Answer. They hung him.

Question. The Ku-Klux?

Answer. I don't know who; they were disguised men; it was an outrage; he had been fairly tried, and while public sentiment said he was guilty, and I have no doubt the jury did—indeed, I heard members of it said they believed him to be guilty—but there was a reasonable doubt, and our statutes here, in so far as they have modified the common law, go upon the principle that no innocent man shall be convicted, rather than upon the principle that no guilty man shall escape.

Question. What other cases of outrage than Smith did the Ku-Klux perpetrate?

Answer. Smith was a confederate—

Question. I did not inquire of his politics. I asked you to state the number and character of the outrages committed by this Klan, while it was in existence?

Answer. I do not know that that was committed by the Klan. I am telling you what I heard. I do not know anything about it. I do not know that there was more than one man that hung him, and I do not know whether he was disguised or not, but I know he was hung; that is, I have no doubt of it at all. Then in the northern part of the county two negro men were killed. One of them I knew. I do not know by whom they were killed, but not by any large body of men; a few men.

Question. Disguised?

Answer. I believe they were.

Question. What were the names of the negroes?

Answer. I was just trying to think of them. I knew one of the negroes very well. I have forgotten his name. He was a political and personal friend of mine in the election. Then there was some negro in the eastern part of the county.

Question. What was done to him?

Answer. He was killed.

Question. What was he killed for?

Answer. Well, sir, I think it was a great outrage. I do not know that there was any reason for it. I think it was just a quarrel—insulting language used. It was universally condemned by everybody.

Question. What other cases do you remember?

Answer. This Prior-Turner case I have mentioned to you. I do not believe I can call to mind any other cases, at present.

Question. If I understood you correctly, this Ku-Klux Klan did not originate in Madison County until the spring of 1863, and was dissolved in the fall of that year?

Answer. Yes, sir; that is my impression of it. I think it has no organization now here.

Question. I understood you to say in your examination in chief by General Blair, that the Loyal Leagues were formed very soon after the close of the war?

Answer. Well, I meant by that about the time of Patton's administration.

Question. When was that; was it in 1865 or in 1866?

Answer. I think Patton went into office in 1865. I was elected solicitor, and I know that, for a long time, there were no political organizations here at all.

Question. The point is this: this Ku-Klux order, according to your statement, did not

spring into existence until two years or more after the Loyal Leagues were formed. Am I right in that?

Answer. No, sir; I do not think you are. I do not remember when the Loyal Leagues were formed here.

Question. Did you not say in your examination in chief that it was soon after the war was over?

Answer. Yes, sir.

Question. And during Patton's administration?

Answer. Yes, sir; and I think this, that there was an organized League here; that General Burke and some Federal soldiers organized it, and I think that the organization of the League, to which the Ku-Klux organization was intended as an off-set, was after the passage of the reconstruction measures—when the negroes were organized.

Question. I understood you to say, in your examination in chief, that the order known as the Loyal League sprung into existence soon after the war?

Answer. Yes, sir; I think so still.

Question. Did it change its character after that?

Answer. Yes, sir; I think so.

Question. If you have never seen its constitution, how do you know?

Answer. I have heard General Burke speak of it, and I have heard Federal officers here. I have heard General Crawford say it was a very respectable order in the North, and that men of intelligence and character belonged to it; that they met in public, and that it was a very respectable thing; but down here it was not so considered when the negroes were almost exclusively in it.

Question. Was there anybody but negroes here to form the Loyal League after the war was over?

Answer. Yes, sir; there were a few native Union men, a few republicans, and a few Federal soldiers.

Question. How numerous were they?

Answer. They were very few. There were plenty of Union men—that is, those who had been Union men and still entertained sentiments of devotion to the Union as it existed—but they had been complicated in some degree in the rebellion.

Question. Go on, and state specifically the composition of the Union League in this county, as it existed in 1865 and 1866.

Answer. I believe it was composed of Union men, white men and Federal officers.

Question. And excluded negroes?

Answer. I do not think there were any negroes in it.

Question. When were negroes for the first time admitted to the Union League?

Answer. I could not positively tell. I think that the only time my attention was called to the fact that negroes were in it was when they were voters.

Question. You can get members of the Loyal League here who will tell you. They became voters after the reconstruction act of March, 1867?

Answer. Yes, sir.

Question. Do you think the negroes were admitted, immediately after the passage of that law, into the Union League?

Answer. I think so. My impression is that Douglass and Sibley organized negro Loyal Leagues here.

Question. In the spring of 1867?

Answer. Yes, sir; I am not certain of it, but I think so.

Question. That would still show that they became members of the Loyal League a full year before the Ku-Klux Klan was organized. How, then, do you say that one was a consequence of the other?

Answer. Because the one was the off-set, and did off-set the other.

Question. But a full year elapsed after the blacks were admitted into the Loyal League before the Ku-Klux Klan was organized?

Answer. I have told you repeatedly that I do not know when either was organized, but I can tell you when they gave public indications of their existence. The Ku-Klux Klan may have been organized here a year before it appeared in public, or committed any outrage. I do not know of that.

Question. Do I understand you to say that you had heard of no instance in which the Ku-Klux Klan took no part in politics?

Answer. Yes, sir; I said so.

Question. You never heard of it?

Answer. Never.

Question. You never heard of that order in this county attempting to influence men in their political opinions or actions?

Answer. Never. I will say this, though that is not involved in your question—that I believe the Ku-Klux Klan had a political influence, because it was composed exclusively, as I understand, of democrats, and that it had just that sort of influence that an organization of that character would have, composed exclusively of white men.

Question. The immediate point of my inquiry was this: did you never, from first to

last, hear from what you regarded as reliable authority, that this organization, known as the Ku-Klux, attempted to influence political action in Madison County?

Answer. No, sir; I never did.

Question. Did you ever hear of their whipping a negro for voting, or attempting to vote, the radical ticket?

Answer. Never.

Question. You never heard of such a case?

Answer. Never heard of such a case.

Question. Did you ever hear of this order, or any branch of it, whipping any white man because he was obnoxious as a republican?

Answer. No, sir.

Question. You never heard of such a case?

Answer. No, sir; not in this county.

Question. Were the democratic papers here in the habit of publishing all Ku-Klux outrages that came to their notice?

Answer. Yes, sir; and of condemning them very severely. I think Mr. Clay, who is a Bourbon, and with whom I do not agree politically—to do him full justice—has been more prompt and decided, and bolder in denouncing all outrages by disguised men, than any other editor I know in the State.

Question. You have heard of a great many cases of outrage in the way of whipping, &c., in this county, committed by men in disguise, have you not?

Answer. No, sir, not a great many; there have been a few.

Question. About how many?

Answer. Well, I do not know; I think from ten to twenty.

Question. Cases of whipping?

Answer. No, not of whipping, but of Ku-Klux visitations of one sort and another. Sometimes they would whip; sometimes they did not. They would take guns away from negroes. I remember in one instance two of them came in the day and said they came from Tennessee, and took off their masks and showed themselves to my brother-in-law, Colonel Davis. They came upon his place to take a gun from my boy, Archie, that had been with me in the army—a very good boy. They said he had threatened to shoot them and they wanted his gun. Colonel Davis insisted on their taking their disguises off; he said he would not talk to anybody in disguise; that they had that advantage of him, and if they were honest men, show their faces; they then took off their masks, and he did not know them. They said they had been informed that Archie was a bad negro, and had threatened to shoot them. He said he was not a bad negro, and they should not have his gun, and they did not get it. There was that sort of visitation.

Question. Was that a common thing to visit negroes' cabins and obtain their arms?

Answer. I do not know whether it was common; we would hear of it occasionally. I believe that two or three weeks before the presidential election there were a number of instances of that sort.

Question. Do you not believe that it was a general practice with the Ku-Klux to visit the quarters of negroes for the purpose of searching for arms, and if they had any taking them away?

Answer. No, sir; I know of more instances where they have gone to negroes' houses and said to them, "You have a gun, but you use it for the purpose of hunting or keeping hogs out of your field, or one thing and another, and you have never done anything to us, and we have no objection to your having your gun."

Question. Will you give an instance of that mild treatment by the Ku-Klux?

Answer. There was an instance occurred upon Colonel Davis's place of that kind.

Question. Colonel Davis, your brother-in-law?

Answer. Yes, sir; I have forgotten the negro's name; I think it was Aleck; but they said, with reference to Archie, if he had his gun to hunt squirrels, and did not want to interfere with them, they would not interfere with him.

Question. I am speaking of negroes who had no powerful white friends to defend and protect them. Was it not almost the universal rule in the fall of 1868 for these Ku-Klux to visit their defenseless homes and take away their guns?

Answer. No, sir. I cannot say that it was.

Question. Do you say that you never heard that it was so?

Answer. I have heard that they did visit, but you say it was almost universal. I think that is an exaggerated statement. I think it was just an occasional occurrence.

Question. Could you give us an idea of the number of such occurrences?

Answer. I do not believe that two dozen such outrages occurred in this county.

Question. Were you in the habit of riding over the county to inform yourself?

Answer. Yes, sir; I canvassed this county. I spoke in every precinct—went over every hill and hollow of it.

Question. In that fall?

Answer. Yes, sir; I made a very thorough canvass of this county.

Question. The negroes would not have been very likely to come to a democratic candidate for the legislature and tell their troubles?

Answer. Some would and some would not. They generally came to native white men of the country; they generally reported to their employers about it. I always in my public speeches spoke very kindly to the negroes, and told them I did not think they were competent to vote, or sufficiently educated to exercise the right of suffrage.

Question. I wish to call your attention to an act entitled "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," passed by the legislature of Alabama and approved December 26, 1868. I will ask you to read the preamble of that act. [The witness reads as follows:]

"Whereas there is in the possession of this general assembly ample and undoubted evidence of a secret organization in many parts of this State of men who, under the cover of masks and other grotesque disguises, armed with knives, revolvers, and other deadly weapons, do issue from the place of their rendezvous in bands of greater or less number, on foot or mounted on horses, in like manner disguised, generally in the late hours of the night, to commit violence and outrages upon peaceable and law-abiding citizens, robbing and murdering them upon the highway, and entering their houses and tearing them from their homes and the embrace of their families, and with violent threats and insults, inflicting on them the most cruel and inhuman treatment; and whereas this organization has become a wide-spread and alarming evil in this commonwealth, disturbing the public peace, ruining the happiness and prosperity of the people, and in many places overriding the civil authorities, defying all law and justice, or evading detection by the darkness of the night and with their hideous masks: Therefore, Section first. Be it enacted," &c.

Answer. I am familiar with the act.

Question. I wish to inquire whether the state of things recited in this preamble was true at the time this bill was passed?

Answer. It was not true, sir.

Question. Then it was false, was it?

Answer. Yes, sir.

Question. What portion of it was false?

Answer. It was false and exaggerated.

Question. In what respect was this recital false?

Answer. Well, that wide-spread scene of outlawry, outrage, and murder was not true. There were occasional outrages, but the civil laws were always respected and enforced.

Question. Was it untrue, December 26, 1868, that there was a secret organization in this county of men, who, under cover of masks and other disguises, and armed, issue from their place of rendezvous, &c.?

Answer. That may have been true, that much of it.

Question. And was it true that these disguised men committed violence upon peaceable and law-abiding citizens?

Answer. I think it was very rare that that was the case. I think, as a general thing, those upon whom violence was committed were men who themselves had violated the law in some respects. I think that is true.

Question. Was it true that these men entered the houses of peaceable citizens, tearing men from their homes and the embraces of their families, and inflicting upon them cruel and inhuman treatment?

Answer. There were some instances of that sort, I have no doubt, sir, but they were few.

Question. Did such instances disturb the public peace?

Answer. They did to that extent. I think the term "disturb the public peace" would indicate a state of war which never existed. The courts were regularly held, and the grand juries.

Question. Did they injure the prosperity of the people?

Answer. I think they did.

Question. Did they override the civil authorities?

Answer. No, sir; never.

Question. Did they defy law or justice, or evade detection by the darkness of the night?

Answer. They did evade detection by the darkness of the night.

By Mr. BLAIR:

Question. That is rather a contradiction of the expression that they overrode the law, was it not?

Answer. Yes, sir; I think there was no law on the subject of their riding at night in disguise, however hideous.

By the CHAIRMAN:

Question. Was there any law in the State against their entering the houses of peaceable citizens after night, and after they had retired to rest?

Answer. Yes, sir; it was against anybody doing it.

Question. You have referred to several instances of outrage committed by the Ku-Klux Klan in this community. Were the persons who were implicated in the commission of these outrages ever brought to justice?

Answer. The only two instances I know were in the case of Prior Turner, and they were brought here and fairly and duly tried before Mr. Figures, the republican mayor of this city, and while I thought that one of the parties was guilty and ought to be bound over, he would not do it.

Question. What were they charged with before him?

Answer. They were charged with this outrage upon Turner.

Question. Was Turner whipped?

Answer. No, sir; slightly shot in the shoulder. I think from the facts that they did not intend to shoot him.

Question. Was he charged with an assault with intent to commit murder?

Answer. I do not remember, but I think that was subsequent to the passage of the bill, and that I charged them under that bill of December 26, 1868. That is my recollection.

Question. Had the mayor jurisdiction to hear and finally determine that charge?

Answer. No, sir.

Question. He acted as a court of inquiry?

Answer. Yes, sir; upon the question of probable cause. I thought there was probable cause, although they proved an *alibi* upon negro testimony; but knowing negro testimony as he did, how unreliable it was, and the fact that I proved that several of that lot were unreliable, made one witness admit on the stand that he was a proverbial liar, and that he had confessed to perjury in one case.

Question. They were discharged?

Answer. Yes, sir.

Question. Was the case brought before the grand jury?

Answer. Yes, sir; the grand jury of the State, and the grand jury of the United States, I think.

Question. Were indictments found?

Answer. No, sir.

Question. The parties who shot Turner have never been indicted?

Answer. No, sir; I think not. One of them run off to Arkansas. I do not know what has become of the other.

Question. Referring to the other outrages, about which you have testified as committed by the Ku-Klux, state if any of them have ever been the subject of cognizance by the courts?

Answer. Well, there was an instance; some three or four white men led an attack upon Captain Clark, some white men and negroes, just upon the line between Madison and Limestone Counties. Captain Clark was a confederate soldier, and these white men were arrested upon his affidavit, and brought up here, and tried in a preliminary examination. They were bound over, and the grand jury, I think, found bills against them. They broke their bond and fled the State, and are now gone. In order to answer fully that question I have to make this statement, that I believe there is not a single instance where affidavits have been properly made, and a warrant of arrest asked for in the county of Madison that the warrant of arrest has failed to be issued against these men; not a single instance; but there are instances where parties came before Judge Douglass here in this court-house to make affidavits of outrages having been committed upon them in which they never showed him the affidavit, never read it to him, but it was written out before it was brought to him, and carried from him to General Crawford, and they used it, no warrant of arrest being issued upon it; they used it for political capital.

Question. How do you know that?

Answer. They have done it right before this committee.

Question. Done what?

Answer. They have used these affidavits for the purpose of making political capital.

Question. Who informed you of that?

Answer. I have read it. I know it.

Question. Where?

Answer. In the newspapers.

Question. What newspapers?

Answer. In half a dozen. Lakin's testimony was telegraphed all over the country.

Question. I thought you referred to testimony taken before this sub-committee here.

Answer. This is a portion of that committee, I suppose. I know of that case, and of others where they go and make these affidavits written out beforehand.

Question. I did not ask you anything in relation to that. I asked, and desire a direct answer, how many cases of outrage alleged to have been committed by the Ku Klux in Madison have ever been brought to trial and judgment?

Answer. I do not remember, sir, any case.

Question. Let them be more or less then, so far as you know, not a single Ku-Klux has been punished in the county of Madison. Is that true?

Answer. Yes, sir; as far as I know.

Question. Have you heard of any outrages committed within the last two years, or three years, since you say this Klan was dissolved, by men banded together and disguised?

Answer. Yes, sir; there was an instance in which—

Question. I do not ask you now to give the particulars. I simply wish to ask you generally about how many such cases have occurred. If we go into all these details we never will get through.

Answer. I only remember of one case in this county; that was in the case of two democratic negroes who were whipped, and one of them probably killed, in this county.

Question. You have heard of no instances since the fall of 1868 in which any republican was outraged?

Answer. The fall of 1868?

Question. Yes, sir.

Answer. I thought you said since the inauguration of this present government—Governor Lindsay?

Question. No, I will repeat the question: since the reputed dissolution of the Ku-Klux Klan in the fall of 1868, how many cases of outrage upon person or property have been committed, or reputed to have been committed by men in disguise, under cover of night, banded together?

Answer. I remember to have heard of two or three.

Question. Do you believe that that embraces all that have occurred?

Answer. I think so, sir. My opportunities of knowing are as good as anybody's in the county. It may not embrace them all; but I have taken an exceedingly active part in public affairs here.

Question. Are those all that have been published in the democratic newspapers of Huntsville during the last three years as committed in this county?

Answer. I believe so.

Question. The number, then, does not exceed two or three?

Answer. I think not.

Question. Have you heard, in any other outrages in the State, outside of Madison County, of outrages of this description by men in disguise and banded together after night?

Answer. Yes, sir.

Question. Have such cases been numerous?

Answer. No, sir, I believe not.

Question. Have they been but few?

Answer. But few that I have heard of, or that occur to me. I have heard of the Paytona affair, and the Coosa riot, and this affair at Eutaw.

Question. Are these all you recollect now?

Answer. Yes, sir, these are all I recollect.

Question. Were the particulars of these published in the democratic newspapers here?

Answer. O, yes, sir.

Question. Were they excused or justified?

Answer. No, sir, they were not excused or justified.

Question. If a negro were to come before this committee and testify to an actual outrage upon his person, and show the marks of it, and swear it was done by men banded together and in disguise after night, would you discredit that negro's testimony?

Answer. Not on that account.

Question. I understood you some time ago to express an opinion that a negro was not to be believed under oath?

Answer. I say his testimony must be taken with a degree of allowance.

Question. You would have no reason to doubt the truth of a statement by a man who came and swore to a whipping of this kind?

Answer. If he showed his wounds and all that I would judge the story upon its own merits. I would not give it the same credence that I would if a white man were to make the same statement.

Question. I understand that you and Captain Richardson took the evidence of white men and colored men in endeavoring to prove the facts as they existed at the time of the riot in this town?

Answer. Yes, sir; my defense of those negroes whom I was defending would have been based mainly upon negro testimony, necessarily so.

Question. Then you think the negroes can swear the truth?

Answer. O, yes, they can swear it.

Question. Do you not think that they are as liable, as a general thing, to swear the truth as the white race?

Answer. No, sir, I do not. I think there is a great want of moral character in the negro race, taking them as a race.

Question. You say that the Ku-Klux Klan embraced democrats exclusively. Was there anything in that organization, so far as your knowledge extends, which would exclude a republican?

Answer. No, sir, I think not. There may have been republicans in it. I believe the organization in other counties included life-long Union men. I have been told so.

Question. Who are operating with the republican party?

Answer. Operating in that Klan for the purpose of preserving society.

Question. That was their excuse?

Answer. Yes, sir.

Question. Were they recognized as republicans?

Answer. Yes, sir.

Question. And yet were members of the Ku-Klux Klan?

Answer. Yes, sir; I have been told so.

Question. And voted the republican ticket?

Answer. Yes, sir, I have been told so.

Question. You believed that?

Answer. Yes, sir.

Question. You believe that order embraced republicans as well as democrats?

Answer. I believe it could do it, but I believe that in Madison County the order was composed exclusively of democrats, so far as my knowledge goes, and that is no more than your information, or that of anybody else, it is just the common talk; but I have understood that in the counties of Jackson and Marshall disguised men, whether they were regular Ku-Klux or not, were composed of bands of confederate and Federal soldiers. I know of one instance—a remarkable instance—where that I have no doubt it was true. I could go into details in reference to that if necessary.

By Mr. BLAIR:

Question. Give the facts about it.

Answer. The facts were these: upon Mr. Robert Fearon's plantation, in Marshall County, there was a large body of negro laborers, his old slaves; and some of the white men from the mountains, without respect to party, composed of former members of both the Federal and southern armies, made an assault upon these negroes for the purpose of driving them off of these lands and getting possession of them themselves. General Crawford, at my request, sent some troops to Marshall County. These troops were instructed to consult and advise with Mr. Fearon, Colonel Sheffield, and Mr. Ferguson, all of them confederate soldiers, in reference to the manner of quieting this difficulty. The negroes of Mr. Fearon were partially armed. One of his negroes was wounded. They captured one or two of the white men, and dispersed them. That was a band of disguised men composed of confederate and Federal soldiers.

By the CHAIRMAN:

Question. You spoke of a general apprehension of outrages from negroes going about the country with guns, committed upon women and children. When did that state of things exist?

Answer. That has existed more or less ever since the war.

Question. Did it exist in a greater degree soon after the war than at any other time?

Answer. No, sir; I think it existed in a greater degree when the reconstruction measures were passed, and the negroes came to political meetings with their guns. I think it was greater at that time than at any other period in the history of the State.

Question. Do you know or have you information of the negroes being intimidated or sought to be intimidated by the Ku-Klux from voting their sentiments?

Answer. No, sir, I do not know of an instance.

Question. Do you believe such cases have occurred in Madison County?

Answer. I never heard of it.

Question. Did you hear of any effort being made by these men in disguise to intimidate negroes, or prevent them from going to elections?

Answer. No, sir.

Question. Did you ever hear of their being whipped because they were radicals, or had voted the radical ticket?

Answer. No, sir; I never heard of it. I have probably seen such charges in the radical papers. It never came to me from anybody, or any source that was responsible. On the contrary, the negroes have uniformly here voted pretty much their full strength, and they vote early and often.

Question. Do you not know that a great many come here to Huntsville to vote who dare not vote in the neighborhoods where they live?

Answer. No, sir.

Question. Have you not been told that?

Answer. I think they come here to vote where they can be under the control of their party managers.

Question. Have you never been told that they come here to vote because it was not safe for them to vote where they live?

Answer. No, sir.

Question. You have never been told that?

Answer. No, sir.

Question. Was it charged that that was the case?

Answer. Yes, sir.

Question. Then you have heard that it was said?

Answer. I have heard it; it was in the radical papers, but I was never told by any negro or person.

Question. Has it not been uniformly charged by republicans that this effort was made persistently?

Answer. No, sir; I don't think the charge was ever made in the Huntsville Advocate. If it was, I do not remember it.

Question. You spoke of a communication Judge Thurlow made to his carpet-bag friends when asked by them who shot him—that he was shot by his own friends. Did you hear him say that?

Answer. No, sir; I never saw him.

Question. How do you know he said it?

Answer. I do not know that he said it. I simply heard that he said it. It may have come out in the testimony. I think it probably did. It was the universally accepted opinion, as far as I know, at the time, that he was accidentally killed.

Question. Was anybody ever punished for participating in that riot?

Answer. No, sir.

Question. Did you hear that the Ku-Klux were coming here before they came?

Answer. Yes, sir.

Question. How long before?

Answer. It was rumored that afternoon; the negroes had it all around.

Question. What was your idea; that they came from the surrounding country?

Answer. Yes, sir.

Question. You did not believe that they belonged to the city of Huntsville?

Answer. It always puzzled me, while the organization existed, to account for where they came from, or who they were, for on the streets of Huntsville I saw the young men of the community; the most of them were there without disguises.

Question. Then your theory is that they came from outside of the city?

Answer. I think so.

Question. Were the usual number of white men and colored men on the streets that night?

Answer. There was a large crowd; I reckon there was five or six hundred of all classes.

Question. What proportion of them were white men?

Answer. I cannot answer. The white men, when the firing commenced, came from their homes about town, running up there.

Question. Were there very few white men out when the firing commenced?

Answer. I was not upon the square when the firing first commenced.

Question. Were you here shortly before?

Answer. I was, early in the night; after tea.

Question. Were there many white men on the streets then?

Answer. Yes, sir; just the ordinary crowd. I think there was a pretty good number about that had been listening to the republican speeches. They were about on the square. I was with a party of gentlemen, in what was called the old club here, when the first gun was fired.

Question. Was there a general apprehension that there would be a row that night?

Answer. Yes, sir; there was the latter part of the afternoon.

Question. Were the white men armed whom you saw upon the streets?

Answer. Some of them were.

Question. In anticipation of trouble?

Answer. Some of them, I understood, came on the streets with their guns from their homes—some few; I do not know to what extent.

Question. You were not present at the time the firing took place?

Answer. I was not armed myself.

By Mr. BLAIR:

Question. Were the negroes generally armed?

Answer. Yes, sir.

By the CHAIRMAN:

Question. How many did you see have arms?

Answer. I saw very few that were armed. The crowd of the negroes was over in the court-house yard on the north side of the square. I was on the east side.

Question. How many did you see who were armed?

Answer. I reckon I saw a dozen with guns and pistols.

Question. Why do you say they were generally armed?

Answer. It was understood that they were armed.

Question. From whom, and by whom?

Answer. I will tell you how I came to the conclusion that they were generally armed: from the fact that in the afternoon, about sundown, several parties of them at least, I know armed themselves and went out on the different pikes to meet the Ku-Klux. One of the parties was headed by a negro well known in this community, named Charley Hale, who was my client.

Question. You have told us all about that.

Answer. They were all armed.

Question. How many?

Answer. Twenty-five or thirty. I do not remember to have seen any of them that night.

Question. They were not back here?

Answer. No, sir; he said he was not, and that was his defense. I do not know whether he was or not.

By Mr. BLAIR:

Question. The others might have come?

Answer. Yes, sir, they all may have come; but that was his defense which I intended to set up in order to prove an *alibi*.

By the CHAIRMAN:

Question. So far as your knowledge extends, only fourteen or fifteen were armed among the colored men?

Answer. I believe two-thirds of the colored men in this meeting that night were armed.

Question. How large was this meeting?

Answer. I do not know, but I heard the court-house yard was crowded with them.

Question. What proof have you that two-thirds were armed?

Answer. I think there were very few of the negroes that testified before our committee who did not testify that they were armed.

Question. How many testified that they were armed?

Answer. I think some sixty or seventy witnesses were examined, white and black. I think a large per cent. of them, perhaps two-thirds, were negroes.

Question. Were there forty or fifty negroes?

Answer. Yes, sir.

Question. Did they admit that they were armed?

Answer. I think most of them did.

Question. What proportion of them admitted that they were armed?

Answer. I cannot make the calculation, but I can give my opinion.

Question. I do not ask for your opinion except with the grounds of your opinion?

Answer. I can give the grounds; I examined the men. I did not suppose those we examined were the only ones armed.

Question. How do you know the others were armed?

Answer. I do not know it. I suppose so.

Question. It is a supposition merely?

Answer. No, sir; it is a reasonable conclusion from the fact that it is wholly improbable that out of the mass of witnesses we should have examined the only ones who were armed. We did not make any attempt in that way. Some of them had pistols. Some of them that were armed testified that they ran at the first fire.

Question. Did you examine as many as twenty-five negroes who admitted that they were armed on that night?

Answer. I think so, at least that number; I remember one instance.

Question. Now tell us about the witnesses who were examined who admitted that they were armed, or did you ask that question?

Answer. Yes, sir; we asked them all. Some of them were armed. This examination was by request of the military authorities here.

Question. How many of the witnesses admitted that they were armed?

Answer. I believe the most of them we examined admitted that they were armed, and we understood that they were armed.

Question. They comprised, I understand, about one-third of the seventy you examined?

Answer. Yes, sir; it was the general habit of this community then for nearly every one to bear arms.

Question. Then it would be a fair presumption that all the whites in the crowd, or the great proportion of them, were armed?

Answer. Yes, sir; they were generally armed.

Question. What would call the whites out in large numbers at night upon the streets if they were not members of that party which was holding the meeting here?

Answer. Well, sir, it was the habit, and still is to some extent, of the democrats to

attend the republican meetings, in order to see how they carry things on; to see who were there and what was done.

Question. At the time this riot occurred was the meeting still going on, or was it over?

Answer. It was still going on, I understand.

Question. Why should not the whites be up here attending the meeting, instead of down on the streets?

Answer. I suppose they were, but when the Ku-Klux came in everybody left the court-house and went down.

Question. You suppose that previous to that the whites had been up here listening to political speeches in the court-house?

Answer. Yes, sir; I remember that on the day when Mr. Sheets spoke a large number of whites listened to him.

Question. Did you hear any threats made by the whites during the day or afternoon?

Answer. No, sir.

Question. At what time in the afternoon did you understand the Ku-Klux were coming in?

Answer. I do not remember, sir. I heard it in the latter part of the afternoon.

Question. Fix the hour as near as you can.

Answer. Say 3 or 4 o'clock, probably.

[At 1.40 p. m. the committee took a recess of one hour.]

By the CHAIRMAN:

Question. Did I understand you as saying that the white population of Huntsville apprehended trouble the day of the political meeting here, of which you were speaking before the recess?

Answer. No, sir; I do not remember that I used that exact expression. I said I had understood that it was rumored upon the streets that the Ku-Klux would be in that night.

Question. Did you hear any expression of apprehension from the white people of the place that there would be trouble, or a riot, or anything of the sort?

Answer. No, sir; I do not remember that I did.

Question. When you heard the rumor that the Ku-Klux were coming had you no idea for what purpose they were coming?

Answer. No, sir; I did not. I had heard that if they came in they would be fired upon.

Question. When you heard that they were coming in did you then apprehend that there would then be trouble?

Answer. Yes, sir; I thought it was probable there might be a row.

Question. Did you take any measures to prevent it?

Answer. No, sir.

Question. Why did you not?

Answer. Well, I had nothing to do with it. I had no means of preventing it. They had a right to come in if they wanted to. Their organization was not contrary to any law, State or Federal.

Question. Had you any law preventing people from carrying arms publicly?

Answer. No, sir; the right to carry arms is a constitutional right.

Question. But I mean where the arms were covered up by their disguises, as they were by the Ku-Klux, as I understand.

Answer. There was no statute in this State relating to disguised men.

Question. Was there any statute relative to carrying concealed weapons?

Answer. Yes, sir.

Question. Was that prohibited?

Answer. It was prohibited, with a number of conditions to the effect that any persons in traveling, or apprehending personal danger, and other conditions that I do not remember, were allowed to carry concealed arms.

Question. Did I understand you to say you believed that the negroes should have the right to vote?

Answer. No, sir; I did not say that. I believed that it was inevitable.

Question. Do you believe that they should possess that franchise?

Answer. Well, sir, I do not, to answer it categorically.

Question. Do you believe they should have the right of being voted for, or holding office?

Answer. No, sir; I think this, Mr. Chairman, that there ought to be some qualification. I know them to be so uneducated and ignorant that I think some sort of qualification should be required.

Question. Now that it is conferred, first by the reconstruction acts of Congress, and subsequently by the fifteenth amendment, do you think they should have the right to assemble together and determine their political action?

Answer. Yes, sir; I have always maintained their right to do it, ever since the reconstruction measures of Congress.

Question. Do you believe that they should have the right, then, of selecting for office whom they please, without reference whether it pleases or displeases the democratic party?

Answer. Certainly.

Question. You believe in their being allowed to vote without intimidation?

Answer. Yes, sir.

Question. And without being called in question for it?

Answer. Certainly; I believe that is the sentiment of the great majority of the white people.

Question. If they choose a bad or ignorant man for office, it is still their right, under the reconstruction measures, to do so. I understand you accept that as their right?

Answer. I do not think they have a moral right to do wrong, but they have the legal right to accept the greatest thief, and the most ignorant and incompetent man in the community, if they see fit to do it.

Question. That is, where they have the political power?

Answer. Yes, sir. They have that power in several counties in this State; in a large number of the richest counties in South Alabama, what is called the black belt, they have an overwhelming majority; in Montgomery, and in Selma, and in many counties in that section of the State, they have the political power of numerical majority.

Question. Are you in favor of abiding by this political condition of things?

Answer. Yes, sir; I think that it was inevitable, and that it is irreversible. I think it was put upon us by the people of the North, without our consent; we are in no way responsible for it, and it would be a greater evil to agitate the removal of that evil, than to submit to it and make the most of it.

Question. Do you think it a badge of disgrace, then, that a man should be voted for by negroes, and elected by them to office?

Answer. I think the mere fact of his being voted for by negroes, and elected to office by negroes, is not of itself a badge of disgrace; but I think that the representative of the negroes will generally represent what they are.

Question. What do you mean by that?

Answer. The most ignorant, uneducated, and incompetent portion of the population; I think they would naturally seek their representative men. I do not think they are as competent to choose their rulers as white people are.

Question. Have you, since the adoption of the new constitution of the State of Alabama, taken the oath required by that constitution before registering?

Answer. Yes, sir.

Question. Then you swore that you would support and maintain the Constitution and laws of the United States and the constitution and laws of the State of Alabama, did you not?

Answer. Yes, sir.

Question. You swore that you would never countenance or aid in the secession of this State from the United States; and likewise that you accepted the civil and political equality of all men?

Answer. I did.

Question. And you likewise agreed in that oath that you would not attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men, did you not?

Answer. Yes, sir.

Question. Did you not further swear that you would not in any way injure, or countenance others in attempting to injure, any person or persons on account of past or present support of the Government of the United States, or the laws of the United States, or the principle of political or civil equality of all men, or for affiliation with any political party?

Answer. Yes, sir.

Question. You took that oath without any mental reservation?

Answer. Yes, sir; I took that oath, and have faithfully observed it.

Question. Did I understand you correctly as saying that you had assisted in organizing two negro clubs in this place?

Answer. Yes, sir; in this county.

Question. How numerous were those clubs?

Answer. I think there were about forty members at Maysville, and about seventy at Trianna. The former was in the eastern part of the county; the latter in the southwestern.

Question. When was that done?

Answer. That was in the last gubernatorial election.

Question. In the year 1870?

Answer. Yes, sir.

Question. Do these clubs still exist?

Answer. I do not know. I only saw them on one day, and organized them at the meeting.

Question. Had they a written constitution?

Answer. Yes, sir; I think they had.

Question. What were the leading features of that constitution?

Answer. I think it was just a very vague and general denunciation of democratic principles. In the contest the democratic State convention had taken what is known as the "New Departure," and in our address to the negroes we stated to them we believed that one man, politically, was as good as another under the law; that we did not intend to change the law; that we had no power to do it, and no purpose of attempting it; that we proposed to inaugurate and commence an economical government of our own people. That was about the constitution of the club at Maysville. I do not remember that I saw the constitution at Trianna. I received in that election, myself, for the legislature, some four or five hundred negro votes.

Question. Do you regard it as a political grievance that the negroes should be allowed to elect men of their own principles to fill the offices in this county, where they have the numerical majority; do you regard it as a grievance on the part of the white population of this county to have to submit to that result?

Answer. I think it is a greater or less evil in proportion to the character of the officer elected. I have always thought that the settlement of the subject of negro suffrage was a very delicate and difficult one; that, inasmuch as they were free, under the principles and usages of the democratic party, every free man was the equal of every other free man, and it would be very difficult for the democratic party to meet the bare question of negro suffrage. It never has been the distinct question of negro suffrage *vel non*. It has never been presented before the people in this State in that way, and a great many of the leading men in this State have entertained the opinion that the negroes could not enjoy, properly, the substance of personal liberty without the elective franchise.

Question. Have you any knowledge as to how many men in the State of Alabama are disqualified by the fourteenth amendment, who have not been relieved of their political disabilities by Congress?

Answer. No, sir; I have not. I think there are ten or fifteen thousand. That class includes the ablest, most intelligent, and most experienced of our citizens, those who held office before the war.

Question. Has not Congress generally relieved them of their political disabilities whenever they have made application?

Answer. I do not know, sir, as to that.

Question. Are they opposed to applying to Congress to be relieved?

Answer. I think so, sir. I never would make any such application.

Question. What is the ground of their opposition?

Answer. Because it is humiliating to ask a political party, which has put an imposition upon us, which we regard as put there for political purposes, to remove it.

Question. You think, then, that those who went voluntarily into the rebellion, and sought to dissolve the Union, did not place themselves under any disability?

Answer. No, sir; I do not—not of that character. I think that those who went voluntarily into the rebellion might, upon the northern theory of the Government, have been tried and punished for treason.

Question. Do you think they were guilty of the crime of treason?

Answer. I do not.

Question. Did they levy war against the United States?

Answer. I think they defended their own country, and I think it was their duty to do it.

Question. My question was whether, in your opinion, they levied war against the United States?

Answer. Of course there was a war between them. I think the United States invaded the Confederate States.

Question. My question, Colonel, is whether you think that those who went into the rebellion levied war against the United States?

Answer. Yes, sir; I think they did.

Question. Is that treason or not?

Answer. It is not treason for a citizen of a foreign country to levy war against the United States.

Question. Were those who went into the rebellion citizens of a foreign country?

Answer. I think so. Mr. Chairman, we have been raised in the South, in the school of Calhoun, and Jefferson, and McDuffie. We have been taught at college, by men of great ability and learning, to believe that the right of secession was one of the fundamental, cardinal rights of our Government; that in that regard, it was superior to all other governments, inasmuch as it presented a peaceable remedy, when grievances were insufferable; and we resorted to it.

Question. When, in your estimation, did you cease to be citizens of the United States?

Answer. When the ordinance of secession was passed. My individual opinion was that there was no cause for secession. I thought so then; I think so now. I belonged to, and followed very humbly in, the school of Mr. Stephens, of Georgia.

Question. You went into the rebellion voluntarily?

Answer. Yes, sir.

Question. When, in your opinion, did you become again a citizen of the United States?

Answer. That is a question I never have been able to settle. I do not know.

Question. Do you think you are a citizen of the United States?

Answer. I hope so. I have been ardently trying to get to be so. I left, most reluctantly, the old Union. I had a great deal of love for it, and pride in its great and glorious history. I entertained the sentiments of Mr. Webster, and I entertained the legal views of Mr. Stephens. I had been so taught.

Question. What tyrannical law had Congress passed which you thought justified Alabama in seceding from the Union?

Answer. None.

Question. You did not complain, then, of any act of Congress to your prejudice?

Answer. No, sir; I did not think the State ought to secede. I did not think there was any just cause for secession.

Question. You think secession was wrong?

Answer. Yes, sir, I do.

Question. Then why did you join the movement?

Answer. I was a mere boy.

Question. Why did you follow?

Answer. I thought it my solemn, imperative duty to go with my State, right or wrong.

Question. Did you think you owed your first allegiance to the State?

Answer. Yes, sir, I thought the State sovereign.

Answer. Did you not regard the Constitution of the United States as the supreme law of the land?

Answer. I did when it existed in authority over the State of Alabama, but no longer.

Question. After the vote of secession, were you of opinion that the Constitution was no longer the supreme law?

Answer. Yes, sir.

By Mr. RICH:

Question. If those persons who went into the rebellion ceased to be citizens of the United States, Congress then had a right, had it not, to impose conditions upon their return, and upon their citizenship?

Answer. Yes, sir, that was the theory of the southern party; that would be logical from their stand-point, but when they lost their cause, we thought also that they lost their theory, and that we were to go back under the theory of the Government.

Question. Then you think now you did not lose your citizenship?

Answer. I think it has been so determined by the issue of the war, but I thought then I had lost it.

Question. When did the republican party first organize in this county?

Answer. I think it was organized some time in 1866. The first I heard of it was a newspaper report of a meeting at Moulton, Alabama. I saw an account of a speech of Colonel Davis there, proposing the organization of an unconditional Union party. The papers called it the republican party, or conservative party, and the Union party, and various names. The style of that convention, I believe, in its resolutions, was the unconditional Union party, and they organized an executive committee and called a State convention. When it met it came out from its chrysalis state into republicanism.

Question. Was that in 1866 or 1867? Was it after or before the reconstruction acts of Congress?

Answer. I am confident that the meeting at Moulton was before the reconstruction measures, but the convention at Montgomery, I think, may have been afterward; I do not know.

Question. Was there any republican organization here prior to the reconstruction acts?

Answer. I believe there was. I think those gentlemen that went to Moulton, Colonel Davis and Mr. Bradley and Mr. Figures; and a number of them went there from Colonel Humphries, that were citizens of this place, and went to Moulton and organized this party.

Question. Did the democrats at that time have full control of this State?

Answer. I believe they did.

Question. Of this county?

Answer. In speaking of the democrats I use, without distinction, the terms white people and democrats. There was no negro suffrage or office-holding.

Question. I am speaking of republican and democrat.

Answer. I do not think there was any republican party or democratic party by name. I do not remember that there was.

Question. Were those mostly natives that engaged in this first movement for the organization of the Union party?

Answer. I think so. I think that Colonel Callis and General Burke were the only northern men whom I remember at this speaking.

Question. Prior to the passage of the reconstruction acts, was there any attempt on the part either of republicans that were here, natives, or those from the North to get in office?

Answer. I do not remember that any recent newcomer from the North was a candidate for office before the reconstruction acts were passed, and negro suffrage was put upon us.

Question. What time did Mr. Rugg come here?

Answer. I do not remember, sir. I have only known him for a year or two.

Question. When did most of those you style carpet-baggers come; before or after the reconstruction measures passed?

Answer. Some of them before, and some of them after. Most of them—I have heard of a number of them—were very bitterly opposed to negro suffrage until the reconstruction acts were passed. I have heard Senator Sibley and Judge Douglass—they were partners in carpentry of some sort—I have heard it rumored that they broke up their partnership on that question.

Question. Do you know when Mr. Douglass came here?

Answer. No, sir.

Question. You do not know whether it was before or after the reconstruction measures?

Answer. I never saw him, or Lakin, or Sibley, or Ronayne, or any of these men until they were candidates for office, and in crowds of negroes making stump-speeches.

Question. You do not know whether they came here before there was any prospect for republicans to get office or not?

Answer. No, sir, I do not.

Question. If they came prior to 1867 they did not come with a view or prospect of getting office as republicans in this State?

Answer. I do not know. I suppose not. They would stand a very poor chance of getting office from the white people.

Question. If Mr. Douglass came here in 1866 and engaged in the carpenter business, was he a carpet-bagger then?

Answer. No, sir.

Question. He only became so by entering upon politics in 1867—after the reconstruction acts were passed?

Answer. He only became so when he sought to array the negroes against the white people of this country; that made him a carpet-bagger.

Question. At the time the reconstruction acts were passed, did the democratic party offer, in any way, to take the benefit of those acts, and reorganize the State government?

Answer. No, sir.

Question. Then there was nobody left to carry out that act of Congress, except what you term carpet-baggers and scalawags, and the negroes?

Answer. The democratic party made no nominations for office. They made the issue upon the constitution itself—upon the pledge of Congress that, if that constitution did not receive a majority of the registered votes, it would not be placed upon us.

Question. But there had been a vote for or against the convention, and at the same time electing delegates?

Answer. Yes, sir.

Question. Was there anybody to take that first step toward reconstruction under these acts, except these three classes?

Answer. The democratic party regarded these measures as revolutionary and unconstitutional.

Question. But was there any class left, when they declined to act in the matter, except these three classes?

Answer. The white people of the country did register and take steps to defeat the constitution, legally and efficiently, under the act of Congress. These steps were regarded as amply sufficient to protect the State against these three classes, and were amply sufficient if Congress had kept faith with the people of the State.

Question. At the first election, in voting for or against the convention, when the democrats declined to act, was there any class to take steps in regard to reconstruction, except these three named classes?

Answer. The democratic party voted against the convention.

Question. And were beaten?

Answer. Yes, sir. They voted against the convention, and the convention was held. I do not know how the thing was managed. I know that the great mass of the negroes voted for the convention, and a large number of the whites were disfranchised and unable to vote at all.

Question. But there is no controversy but that a majority of the votes were cast for the convention?

Answer. I do not remember as to that.

Question. The convention was carried, and the constitution submitted to the people, and then the democrats declined to vote at all, either for or against that constitution?

Answer. They abstained from the polls as one of the means which they regarded under the act of Congress as the best means to defeat the constitution. They registered because, under the act of Congress, it had to be a majority of the registered voters. They came forward then and registered, under the act of Congress, and took every step that they thought was necessary, under the act of Congress, to protect themselves from that constitution. Now, a great many people of the State held this view in reference to the condition: That if the convention met there while the great mass of the best men in the State were proscribed from holding office and ineligible, yet, if these parties went there and made a good constitution, we might accept it or reject it. They made a constitution which took the premium for infamy over any constitutional affair in the world.

Question. What peculiarly infamous features are objected to?

Answer. One feature is this: Where the Congress of the United States saw fit to proscribe from office a certain class of the best citizens—a large class. This convention went further and proscribed them from voting.

Question. With the power in the legislature to relieve?

Answer. Yes, sir; and it did subsequently relieve them, but that was the constitution submitted; we were to vote upon it, and these men were prohibited from voting.

Question. What other objectionable feature was there?

Answer. They fixed up a school system that is exceedingly expensive and extravagant; a school system that would be extravagant for the wealthy States of Ohio or New York, and they imposed that upon us. In addition, they put in the constitution a test-oath, which you have read here. Americans have always looked with dislike upon test-oaths. We regarded them, as did our English ancestors, as framed by one faction in the State to control the other faction. This oath was palpably of that character, and made us who did not believe in the political and civil equality of all men, come up and swear that we accepted it.

Question. Did you regard the Union League as a political organization?

Answer. Yes, sir.

Question. I believe you stated, in your examination, that you did not regard the Ku-Klux organization as political?

Answer. No, sir. I will give you one reason, conclusive to me, why the Loyal League was a political organization. I have heard prominent republicans say, "This man is seeking the League nomination, and we will not have anything to do with the League." That League was a kind of ring in the republican party.

Question. If the Loyal League was political, and the Ku-Klux was not, how do you come to the conclusion that the Ku-Klux was intended as an antidote to the Union League?

Answer. Just that far it may have had, as I explained before, a political effect in checking the operations of the League; but it was not the political character of the League that was to be checked. It was the teachings in the League, where we supposed negroes were taught hostility and animosity to the white people, which they exhibited in bringing their arms to public meetings, and in going about the country stealing and plundering, and firing off guns, and indicating that they regarded themselves as licensed to do pretty much as they pleased.

Question. What has been the character of the colored people here since their freedom—since the war?

Answer. I think the great majority of them have acted very well—very well.

Question. As a class, have they not acted well?

Answer. I think so; I think the negro population of this section of the State is far superior to the negro population in the other sections.

Question. Has it not always been reasonably respectful to the white population?

Answer. Yes, sir; I think so. There were times when the negroes were not so. They were not so at the meeting I spoke of, on the night of the presidential election, to Governor Brown nor to General Gordon; they were disrespectful by making interruptions and rudeness.

Question. Was this disrespect shown to those gentlemen because they were white, or did they show the same disrespect to the two colored men who came with them?

Answer. Yes, sir; to all democrats.

Question. It was not a disrespect to the white race, but a political disrespect on account of politics which they were showing to the other party?

Answer. The whole of the white population were democratic, and they charged upon these two old negroes that they had turned rebel and betrayed their race, and gone over to the democratic party.

Question. What course do you think ought to have been pursued by the colored men, and such as were disposed to act with them, when the opportunity for reorganizing was given at the time the reconstruction acts were passed; should they have lain still and waited for the democrats to reorganize the State, or had they a right to act as best they could under the circumstances?

Answer. I think if they had been wise and prudent they would have remained under a decent, honest, and respectable government where they were, and not sought to organize one that had none of the elements of honesty and respectability.

Question. The colored people under the government then possessed no right to vote?

Answer. No, sir.

Question. Under the government that was presented to them that right was given to them?

Answer. I think if they had been wise they would not have wanted it.

Question. Would not have accepted it?

Answer. No, sir. I think they are not wise, but they are human beings, and were led off with the idea that the right of voting was a grand thing; the forty-millionth part of the right to govern this country was a grand thing, and they left work and became the enthusiastic agents of these politicians.

Question. Have you any evidence before you that with fair, reasonable discussion, if both sides talked to the colored population, they would not vote intelligently?

Answer. I do not think the mass of them are capable of understanding any political question.

Question. You say you got some five hundred votes in this county?

Answer. Yes, sir.

Question. Was that an evidence that they did not know how to vote, or an evidence that you could reach their minds by persuasion or argument such as you presented?

Answer. I think the strongest argument we presented to them was in the shape of barbecues, which were liberally supplied. I do not think they understood any political question that was discussed, or if at all, they understood it vaguely and indistinctly.

Question. They did not vote the democratic ticket, then, because they believed in it?

Answer. No, not particularly; nor did they vote the republican ticket either for that reason; they were afraid the democratic party would put them back into slavery. An old negro, a prominent man in the club down here, told me, "I intend to vote for you; I liked your speech; but if you put me back into slavery, I never will forgive you."

Question. He would trust you once?

Answer. He trusted me once.

By Mr. BUCKLEY:

Question. I understood you to say that the spirit of law and peace is considerably stronger now than it had been in previous years in this State?

Answer. I think so.

Question. From all you know of the State, do you think public sentiment in Alabama at present is strong enough in favor of the enforcement of law to protect life and property here?

Answer. I think so, sir.

Question. Without the aid of troops, or their presence or assistance?

Answer. I think that is the public sentiment here with all parties; it is certainly the public sentiment of some of the leading republicans and of the military authorities, and pretty generally of the democrats. I think the bitterness and rancor of party feeling has subsided in a great degree in this section of the State.

Question. Do you know whether Governor Lindsay has been asked to call upon the troops for assistance since he has been in power?

Answer. No, sir; I do not. I never heard of it.

Question. I would like to understand you upon one point of your testimony, and see if it corresponds with that of some other. I understand you to say that the Ku-Klux organization has gone out of existence?

Answer. I think so.

Question. That originally it was designed to assist in preserving peace and order?

Answer. That was the excuse they gave for it.

Question. And that these men who have committed outrages and crimes in disguise for the last two years really do not now belong to that organization?

Answer. I think not.

Question. That they are acting independently?

Answer. I have not heard of any disguised men in this county for a year or more.

Question. During what period of time do you think it was necessary to call upon this organization for the protection of life and property here?

Answer. I have said repeatedly that I never saw the necessity for the organization of the Ku-Klux Klan at any time or for any purpose.

Question. You think they existed from about the first part of 1868 until the middle of the year?

Answer. That was the first that I heard of their appearing in this county, in the spring of 1868.

Question. Was there any necessity at that time to call to the aid of the civil authorities any organization of that kind?

Answer. I think not.

Question. Who, at the time the Ku-Klux organization existed in this State, composed the supreme court of the State?

Answer. I think Judge Walker was chief justice and Judge Thomas was a justice.

Question. Judge Bird, of Selma?

Answer. Yes, sir; Judge Bird was the other.

Question. They formed the supreme court during the war?

Answer. Yes, sir.

Question. And after the war until the government of the State was back in the Union?

Answer. Yes, sir; until the reconstruction acts were passed.

Question. The circuit judges of the State were the same as those that held office during the war?

Answer. No, sir; they had all been changed since the war. Every officer in the State had been elected since the war.

Question. At what time?

Answer. In 1865. The old officers that were in office during the war had been turned out by Mr. Johnson's reconstruction. Governor Parsons was put in as provisional governor. His officers went out, and the people elected Governor Patton and his officers.

Question. Did they elect judges?

Answer. I think the legislature did.

Question. Were any of the circuit judges appointed by Governor Parsons when he assumed control?

Answer. I think not; I think they were all elected. That is my impression.

Question. All elected in 1865?

Answer. Yes, sir; I was elected solicitor in 1865.

Question. But by the legislature?

Answer. Yes, sir; by the legislature.

Question. So that all the judges of the State you regarded at that time as competent and able?

Answer. Yes, sir.

Question. Governor Patton was your governor?

Answer. Yes, sir.

Question. The whole administration of the government, then, was in the conservative or democratic party?

Answer. Yes, sir.

Question. At this identical time, when the Ku-Klux organization began to exist in the State?

Answer. It was formed about that time, in view of the reconstruction measures that had passed.

Question. But they did not pass until March 2, 1867?

Answer. They passed long before the Ku-Klux Klan was organized. The Klan was organized in 1868.

Question. You spoke, in your direct examination, of the antagonism of the races. Do you really think there is any antagonism of race existing here now?

Answer. I think it does exist and always will exist, more or less, among the poorer white class of the community and the negroes. I think among the more cultivated and wealthy classes of the whites it does not exist. The poorer classes of the whites apprehend that the negro will be put upon terms of social equality with them in the public schools, in churches, and in public conveyances.

Question. In regard to the features of the constitution of which you complain; do I understand you to say that the degree of disfranchisement in the constitution was greater than the degree of disfranchisement imposed by the reconstruction acts of Congress?

Answer. Greatly. I stated that the constitution went beyond the act of Congress. Where Congress had simply proscribed from office, they proscribed both from office and from suffrage.

Question. Did not the reconstruction acts of Congress disfranchise from voting?

Answer. I think they did in the question upon the election of the convention. I am not certain of that, but the fourteenth amendment did not.

Question. We are not talking of the amendments. The degree of disfranchisement in the State constitution was the same as the degree embodied in the reconstruction acts of Congress.

Answer. I think not. That is not my understanding.

Question. The same clause, I think, was transferred to the constitution, taken exactly

from the reconstruction acts. In the first election we had under the reconstruction acts in this State for convention, did the democratic party or conservative party elect or nominate any candidates for the convention which framed the constitution?

Answer. I think not.

Question. There was but one democrat or conservative in the convention, was there?

Answer. I do not remember any.

Question. They had the opportunity of electing candidates, did they not?

Answer. The white people of this State regarded the government at the time as a legal government, and as back in the Union, and Congress as going outside of its authority in passing these laws.

Question. So they abstained from all participation in framing the new constitution?

Answer. Yes, sir.

Question. What was the democratic majority in this county in the election of 1868?

Answer. About three hundred, I believe. I do not remember exactly.

Question. Do you recollect how much it was in the last election?

Answer. It was nine hundred and seventy odd.

Question. In a democratic county like this, how does it happen that republicans, of whom you complain, hold seats in the legislature?

Answer. I have answered that question repeatedly. Because the democratic party of the State concluded to accept the terms of Congress, and while they went forward and registered they abstained from voting, so that a majority of the registered voters of the State not voting the constitution would be lost.

Question. Then you might have prevented these men from taking seats, if you had chosen?

Answer. We had no power to resist Congress. They had the power to do anything whatever that they saw fit to do, and they exercised it. If we had had the power we would have resisted.

Question. You might have elected your candidate in this county?

Answer. We thought the best plan of defeating the constitution was to stay away, and that plan was legalized by the act of Congress itself. We had not the slightest idea, although we had had such bitter experience, that Congress would dare, in the face of the nation, to go back upon that act. We had the same idea about it then that Mr. Thad. Stevens had afterward, that it was simply infamous to put that constitution upon us under the circumstances. He was bitterly opposed to it.

Question. I wish to ask a few questions in regard to the riot that occurred here; did you ever hear that Mr. Charles Hale, of whom you spoke, was a deputy sheriff or deputy marshal here?

Answer. No, sir.

Question. Did you ever hear that upon that day the men whom he had with him and who had arms were under his direction and authority, as deputy sheriff or marshal of this place?

Answer. I know to the contrary.

Question. Had he ever acted in that capacity here?

Answer. No, sir.

Question. Who had charge of the other men you saw under arms?

Answer. I did not see them under arms. I did not see either of these parties under arms, but I heard from members of both parties that they went out respectively to the western and northern pikes to anticipate the Ku-Klux coming into town.

Question. Did you suspect Mr. William W. Cox of being a Ku-Klux?

Answer. I thought afterward in the examination that there was evidence tending to show that he was one. He was either one of them or in sympathy with them. He was indicted.

Question. Do you know whether any of those with him or about him were members of the organization or sympathized with him?

Answer. No, sir; I did not see him that night.

Question. Do you think any of the white men about the streets and around the court-house fence, who were upon the ground who were undisguised, were members of the organization?

Answer. No; I have no more reason for believing that they were members of it than they had for believing that I was a member of it.

Question. About what time did you have that conversation with General Forrest in regard to this organization?

Answer. I think it was in the spring of 1868. I am not certain. I remember he was in my office for the purpose of inquiring of me in reference to what were the statutes of our State as to insurance companies. He was representing one, and after that conversation he commenced talking about this Ku-Klux business up in Tennessee.

Question. Do you think there is any other way for the two races, being nearly equally divided in this State, to live peaceably together, except upon the basis of civil and political equality in the eyes of the law?

Answer. Well, sir, I think the negro race is a submissive race. I think it is a great

evil to have so large a population in the quasi condition of slaves or in a kind of peonage; but I think the negroes would be more likely to submit to it than the whites, and, I think, as long as white and black people live together in the same country, the one will be the dominant race over the other, and I prefer that that should be my race.

Question. Then you do think that you could live peaceably together if the negroes constituted a non-voting portion of the population?

Answer. Yes, sir, I think so.

By the CHAIRMAN:

Question. Do you remember the Huntsville Democrat containing an article published, I think, in the year 1868, advising the people to ostracize all individuals who voted the republican ticket?

Answer. No, sir, I do not remember it.

Question. Do you recollect any article of similar import?

Answer. Yes, sir, I have heard that charged upon the editor of the Democrat.

Question. Was it denied?

Answer. I do not think it was directly denied.

Question. Are they not practically ostracized?

Answer. No, sir, I do not think so. I think, for instance, that Colonel Bradley, and Mr. Figures, and Judge Hammond, and Colonel Davis, and others are in good social standing in the community.

Question. They are not, all of them, natives, are they?

Answer. I believe so.

Question. Did you mention Mr. Day?

Answer. No, sir, Davis. I do not think they have as many political friends by about a thousand in the county, and I do not think their political relations are as agreeable as they would be if they were democrats.

Question. Do they come under your classification of scalawags?

Answer. Yes, sir.

Question. Then all scalawags are not ostracized socially?

Answer. No, sir. I would like to say that those gentlemen, when called scalawags, some of them, repudiate it, and some of them admit it. Some of them say they are not scalawags, but there is a lower class in the republican party that are scalawags—"negro-philis," [philanthropists.]

Question. What was the entire vote cast by both parties at the last general election in the State of Alabama?

Answer. I do not remember.

Question. Was it less than two hundred thousand?

Answer. I think it was.

Question. Was it more than a hundred and fifty thousand?

Answer. O, yes, sir,

Question. Can you give an approximate estimate of the vote?

Answer. I think there were about one hundred and seventy thousand votes cast.

Question. What was the democratic majority?

Answer. About three thousand, I believe, was the official count.

Question. Is this one hundred and seventy thousand supposed to be about the amount of registered votes of the State?

Answer. I do not think it is the full registered vote. I think it is very far short of the full vote of the State.

Question. What is the registered vote of the State?

Answer. I think it is nearly two hundred thousand.

Question. What proportion of that is colored?

Answer. It is impossible to tell; that is, I have no means of knowing what is the registered vote of the State, because at every election in this county, since this constitution has been put upon us, great crowds of negroes come up here and register, and some that registered before register again. They register repeatedly.

Question. Your entire population at the last census was less than a million, was it not?

Answer. It lacked exactly eight persons, I believe, of being a million.

Question. If your entire population, then, is less than a million, would you not think two hundred thousand a large estimate for your registered vote?

Answer. Yes, sir; that is a big estimate.

Question. Now, what proportion of the registered vote is colored, and what proportion white?

Answer. I think there are one hundred and fifteen or one hundred and twenty thousand white votes in the State.

Question. And you suppose that thirty thousand of this number are disqualified under the fourteenth amendment from holding office?

Answer. Yes, sir; I have no means of knowing, but I just calculate from this county.

Question. What number in this county are disqualified?

Answer. Well, I should say there were at least five hundred.

Question. How many counties have you in this State?

Answer. There are sixty odd.

Question. Do you suppose this would be an average of the number of persons disqualified throughout the State?

Answer. Yes, sir, I have thought about that; this is a large county; this is more than an average county; but it was our custom, when we got a good officer in this county to keep him for years and years, and so, there were not so many office-holders; but everybody who held any position, however humble, before the war, and participated in the rebellion in any way, is proscribed.

By Mr. BUCKLEY:

Question. Is Mr. Sheets, of whom you spoke, the same person who was elected on the Grant ticket in 1868?

Answer. I do not remember whether he was an elector or not, but he is the consul to Elsinore, in Denmark, now. His name is C. C. Sheets.

Question. He was the one visited by the Ku-Klux?

Answer. Yes, sir; so I heard him say. He said they treated him very politely, but lectured him very severely.

HUNTSVILLE, ALABAMA, October 13, 1871.

HENRY PETERS TURNER sworn and examined.

The CHAIRMAN. As this witness is called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. State where you live, Mr. Turner.

Answer. I live about thirteen miles north of this, sir.

Question. Near what place?

Answer. Near Meridianville.

Question. What business do you follow?

Answer. Farming?

Question. Do you know a couple of negro men by the name of Aleck Marchbanks and Henry Kidd?

Answer. Yes, sir; they lived with me one year on my place.

Question. When?

Answer. It was in 1869, sir.

Question. Those two men have been before the committee, and have stated in their testimony here, that they lived on your place at about that time, and that they were Ku-Kluxed. Aleck Marchbanks testified that he was taken out of his cabin and hung up by the neck in the night by the Ku-Klux. The other man testified that he was run off on the same night.

Answer. Well, sir, it is not so, as I know of, at all. I never knew the Ku-Klux there but once, and then they didn't stop.

Question. Did not stop at the house?

Answer. No, sir; they just passed by. The lane runs by the house, and they passed on. Nothing of the sort ever happened there.

Question. They testified that they were compelled to leave that part of the county by reason of the Ku-Klux.

Answer. It is not so.

Question. Did they ever communicate anything of the kind to you?

Answer. No, sir; I never heard of it at all, sir. I was there all the time, pretty much, on the place.

Question. How close was your house to the one which they occupied?

Answer. I suppose about thirty or forty yards.

Question. Could such a thing have taken place as for a band of armed men in the night to come to your place, so close to where you were living? I think one of them testified it was about 10 o'clock at night.

Answer. No, sir; I would have known it. The people would have let me know if it had happened.

Question. What is the character of these men?

Answer. Well, sir, I don't think there is much confidence in them. They didn't live with me but one year. They left after Christmas the following year, 1870—just before or about Christmas.

Question. After the time for which they had contracted to live with you had expired?

Answer. Yes, sir.

Question. Did you ever see this man Aleck Marchbanks exhibit what he declared to be the scars left there by the limbs of a peach-tree on which he was suspended? Did you ever see any such marks upon his neck?

Answer. No, sir.

Question. If there had been such marks on his neck, in fact, remaining so as to show at the present time, would you not have discovered it?

Answer. Yes, sir; I saw him every day. I would have known it, of course, from his being there on the place. They would have told me about it. There was nothing ever said to me about it, nor the other negroes on the place either. I had a good many living on the place.

Question. If injuries had been inflicted in that way on the man's neck so as to leave a scar visible to this time, would you not have noticed it at the time?

Answer. Yes, sir, I would have known it.

By the CHAIRMAN:

Question. In what year did these two men work on your place?

Answer. Eighteen hundred and sixty-nine, I think, sir.

Question. You say they lived thirty or forty yards from your house?

Answer. Yes, sir, I think about that distance.

Question. You say you never saw the Ku-Klux but once?

Answer. No, sir.

Question. When was that?

Answer. I think it was in the fall some time.

Question. In the fall of 1869?

Answer. I think so.

Question. How many were in the gang?

Answer. Not more than five or six.

Question. Were they disguised?

Answer. Yes, sir.

Question. Was this after night, or in day-time?

Answer. It was in the early part of the night. We had not gone to bed.

Question. Were their horses disguised?

Answer. Yes, sir.

Question. Riding along the public highway in front of your house?

Answer. Yes, sir; it is not a public road, but a neighborhood road—a lane in front of the house.

Question. Do you know who they were?

Answer. No, sir.

Question. Do you know whom they visited that night?

Answer. No, sir.

Question. Did you hear of any of their operations that night?

Answer. No, sir.

Question. Do you know where they came from?

Answer. I do not. I don't know anything about that.

Question. If you did not see any band yourself, did you hear of any more that fall?

Answer. No, sir; I don't think I did.

Question. Have you heard of any since in that part of the country?

Answer. No, sir; not one.

Question. How long before that had you seen or heard of such a band?

Answer. I don't remember the time. I heard of some during the spring before that, probably.

Question. The spring of 1869?

Answer. Yes, sir; but not in that country. I heard of them down about Huntsville and in this country, but not in my neighborhood.

Question. That was the only instance in which you have ever have heard of Ku-Klux in your neighborhood?

Answer. Yes, sir.

Question. Had you gone to bed when they passed by?

Answer. No, sir; I hadn't gone to bed.

Question. Did you have any curiosity to see where they went to?

Answer. No, sir; I didn't follow them at all.

Question. How far did you watch them down the road?

Answer. I suppose about fifty or sixty yards. I could not see further than that.

Question. Were they going in the direction of those negro cabins?

Answer. No, sir; they passed by them. The cabins are not more than thirty or forty yards off.

Question. Before they came to the house?

Answer. No, sir; after they went by my house they went by the cabins, too. They were all on a line.

Question. Did you make any inquiry of your neighbors afterward as to what errand they were going on?

Answer. No, sir; I did not.

Question. Why? Did it not excite any curiosity in you?

Answer. No, sir.

Question. That five men should be riding about at that hour of the night, in disguise, on disguised horses, did not create any surprise on your part?

Answer. I do not know. I had heard of them before that riding through the country. I thought I was attending to my own business, and I would have nothing to do with them.

Question. Did you ever hear of them before that doing any mischief as they rode through the country?

Answer. No, sir.

Question. You never heard of a Ku-Klux doing mischief?

Answer. O, I have heard of it; but I don't know anything particular.

Question. Did you ever hear of their committing any mischief in Madison County?

Answer. It seems to me that I did; but I could not really tell you anything certain.

Question. When was it that this mischief should have been committed?

Answer. I cannot recollect.

Question. Can you give us no idea?

Answer. No, sir; I cannot.

Question. Were there any members of that Ku-Klux Klan in your part of the county?

Answer. I don't know. I couldn't tell you about that.

Question. Do you know anything about the oath that bound that order together?

Answer. I do not.

Question. Of their by-laws?

Answer. No, sir.

Question. Or their pass-words or signs?

Answer. No, sir.

Question. Or their obligation?

Answer. No, sir.

Question. Never heard anything about that?

Answer. No, sir.

Question. Did you ever see anything in the papers in relation to the origin of the order, their oath and obligation, and what they were organized for?

Answer. I have seen pieces in the paper; yes, sir.

Question. Did you believe them to be true?

Answer. I don't know whether it was true or not?

Question. You have no opinion upon the subject?

Answer. No, sir.

Question. You never had much curiosity about it?

Answer. No, sir; not a great deal.

Question. Did you ever understand who composed this organization?

Answer. No, sir.

Question. Or the men who are in it?

Answer. No, sir.

Question. Whether they were young, or middle-aged, or old men?

Answer. No, sir; I could not tell; I don't know who they are.

Question. Did you ever see any one who admitted that he belonged to the order?

Answer. No, sir; I never did.

Question. Did any one ever approach you and desire you to join it?

Answer. No, sir.

Question. Was there a den or branch of the order up in your part of the county?

Answer. Not that I know of. If there was, I didn't know it.

Question. You never heard it so reported?

Answer. No, sir.

Question. Where was it said their headquarters were?

Answer. I do not know.

Question. Were you in the habit of visiting the negro-quarters very often?

Answer. Well, yes, sir; I was there every day.

Question. Did you go into the cabins?

Answer. I would go around then; I did not go in; I was passing backward and forward.

Question. It was not a common occurrence for you to go inside?

Answer. No, sir; I didn't go inside.

Question. Did you ever hear that the guns and pistols of the negroes were taken away from them?

Answer. No, sir.

Question. Did you ever hear that the Ku-Klux were in the habit of visiting their houses and taking away their guns?

Answer. Yes, sir; I heard that.

Question. Did you believe it to be true?

Answer. That is what they said; I didn't know whether it was so or not.

Question. Who said so?

Answer. I heard the negroes say so.

Question. Negroes on your place?

Answer. No, sir; but in the neighborhood.

Question. Who did they say took away their guns?

Answer. They said disguised men; they didn't know who.

Question. In what year was that?

Answer. I think it was about 1868.

Question. How many negroes did you hear say that?

Answer. I don't remember; it was just common talk through the country.

Question. Did it seem to be a general practice in that year for the Ku-Klux to take away their guns and pistols?

Answer. I don't know whether it was or not; I just heard them talking about it; I did not pay much attention to it.

Question. Did you ever hear about the Ku-Klux Klan appearing on the streets of Huntsville, in large numbers?

Answer. I heard of that once.

Question. Did you believe that to be true?

Answer. I suppose it was; I heard a good many say so; I was living out in the country, you know; I suppose it was, though. I lived about thirteen miles from here.

Question. May not these negroes have been whipped upon some night when you know nothing of it, or have been taken out of the cabins?

Answer. I don't know, sir; I reckon I would have heard of it from them or from some of the others on the place.

Question. But suppose they were afraid to tell you, you would not have heard it?

Answer. No, sir; of course not, if they were afraid to tell me.

By Mr. RICE:

Question. To what political party do you belong?

Answer. The democratic party.

Question. Did you take much part in politics?

Answer. No, sir; none at all. I don't have but very little to do with politics. I am a farmer, and do not meddle with politics much.

Question. Are they mostly democrats in your neighborhood?

Answer. No, sir; some belong to the other party.

Question. Which is the stronger?

Answer. I don't know; I expect the other party is the stronger in my immediate neighborhood.

Question. Were you at home all the time in the year 1869?

Answer. No, sir; not all the time. I was away from home sometimes; I was at home most of the time though.

Question. Were you away for a week at a time?

Answer. No, sir; never longer than one night. I sometimes staid away one night and came back early in the morning; but I was at home most of the time, night and day.

Question. You never staid away from home a week at a time?

Answer. Never longer than one night.

By the CHAIRMAN:

Question. You have never heard of any case of negroes being whipped up in your part of the county?

Answer. No, sir.

HUNTSVILLE, ALABAMA, October 13, 1871.

JAMES M. MOSS sworn and examined.

The CHAIRMAN. As this witness has been summoned by the minority, his examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Where do you live?

Answer. About five and a half miles north of this place.

Question. How long have you lived there?

Answer. I have lived in this county since September, 1866.

Question. Are you farming?

Answer. Yes, sir.

Question. Do you know a negro named Joe Gill?

Answer. Yes, sir; a yellow man.

Question. Gray-headed?

Answer. Yes, sir.

Question. What do you know about him?

Answer. Well, he lived on my place three years, I believe; he lived there in 1866, and went away in 1867. I don't know that it was but two years; he came back in 1868, and whether he staid one or two years I cannot tell.

Question. What is his character?

Answer. His character is about like all the rest of them.

Question. How is that; is he a reliable man, of good character?

Answer. Well, the character of the whole of the blacks is something like this: When I said he was about like all the rest, most of them will steal any little things, and from habit, or some other cause, they will sometimes tell things that are not so.

Question. Did he ever steal anything from you?

Answer. He stole a little cotton from us the first fall, the fall of 1866.

Question. Did he steal a mule from you?

Answer. No.

Question. What was the transaction about the mule?

Answer. I don't remember of any; a mule liked to have killed him the first year—in breaking the mule.

Question. Did he not cheat you out of a mule?

Answer. No; he went off owing me a little something.

Question. On a mule trade?

Answer. Well, on a horse. I sold him a horse, and furnished him supplies to go on the next year—meat and trade at the store here, and he went off, and I did not know it until he had gone off.

Question. What was the cause of his running off?

Answer. I supposed that the cause of his running off was the story they got out about him cohabiting with this girl.

Question. Who?

Answer. Well, with a girl who was supposed to be his own daughter. He called her his daughter.

Question. Cohabited with his own daughter?

Answer. Yes, sir; that is what the negroes say.

Question. From what you know of him and his reputation, would you believe him on his oath?

Answer. Well, I would not know, hardly, how to answer that question. There are not many of them that I would believe on their oath, unless I knew something myself in the matter. For instance, in a matter that would come up, and they would swear to it, and I didn't know anything about it at all, then I would not know whether it was so or not; do you understand me?

Question. Yes, sir; but I want you to say whether, from his character and what you know of him yourself, and his reputation among those who do know him, you would believe him on his oath?

Answer. I don't know how to answer that any different from what I have before. If I had reason to believe from some other cause, from any other source, I would believe him just as I would the larger majority of them. Old Joe is pretty sharp and pretty shrewd—shrewder than the common run of the field-hands here. He has had more experience, I reckon.

Question. Would you believe him in anything where he had any interest to swear what was false?

Answer. Well, if I was on a jury, and testimony of that sort came up, I should just believe as much of it as I saw reason to believe, and no more. They are mistaken a great many times about things—don't understand things.

Question. Did you believe the story the negroes tell about his cohabiting with his daughter?

Answer. I did rather believe it, from the fact of his daughter being big; and one of the hands told me he was passing the cabin and heard him talking to her about it. Joe was living with a woman he called his wife, and she was away, and one of the hands went to the cabin and heard Joe talking; and that is what makes me believe that part of it. And then he ran away directly. I didn't hear this story at all until after he ran away. I have another place where I lived, five and a half miles from Huntsville; and I have another place eleven miles from Huntsville, and that is where he was.

Question. Do you believe that was the cause of his absconding from the country?

Answer. I think it was.

Question. If he were to give before this committee another reason for his absconding from the country, would you believe it?

Answer. No, I should not; because I believe that is the reason he left.

Question. Now, what are your politics?

Answer. I am a republican. I gave the only Grant vote given in Meridianville precinct. Two more townships in this county did not give a single one.

By the CHAIRMAN:

Question. Are you a native of the South?

Answer. No, sir; I was born in the State of New York, in Chautauqua County, and moved from there to Illinois in 1836, and went to Iowa in 1854, and came down here in 1866.

Question. You have been a republican ever since you came here?

Answer. Yes, sir.

Question. You always voted that ticket?

Answer. Yes, sir; but there is a heap of them dare not vote it.

Question. Why not?

Answer. They thought it would not be healthy for them, I reckon.

Question. White men?

Answer. Yes, sir.

Question. Were they intimidated?

Answer. Well, I don't know as you would call it intimidation; I just think they lacked a little back-bone. Still, I think probably with a poor man maybe it would have gone harder with him than with another.

Question. What kind of influence was used to induce men to vote in a particular way?

Answer. Well, the Ku-Klux rode here in 1868.

Question. Pretty extensively?

Answer. Yes, sir.

Question. Did you hear of their visiting the negroes, and punishing them?

Answer. Yes, sir; they knocked them around some.

Question. Did they visit your neighborhood?

Answer. Yes, sir; they visited me a good many times.

Question. Visited you, yourself?

Answer. Yes, sir.

Question. Did they ever threaten you?

Answer. Yes; that didn't amount to anything.

Question. Were they disguised?

Answer. Yes, sir.

Question. Armed?

Answer. Yes, sir. O, they rode up in our neighborhood—I lived up there then—they rode there in day-time. In most places they rode in the night.

Question. Did you understand that the organization had a political object?

Answer. That is my understanding.

Question. Will you define what you understood its object to be?

Answer. Well, they got one of my negroes up here and put a rope around his neck, and got the rope up over a limb, and told him he must vote for Seymour and Blair, and I suppose the negro promised to do it—I don't know. They didn't hang him.

Question. What was his name?

Answer. Job Kelly. They came around first, and took their arms away from them. Some of them had some sort of old blunderbusses and some decent guns, but not much. Some had revolvers sometimes. They hit one old fellow over the head. They came to my house. The first time they came on Friday about noon. About sixty came on the lower end of my place. My place consists of two square pieces, cornering on each other. I lived near the extremity of the whole tract, about the center of one portion, and the negroes were near the corner of the other portion. I was boiling sorghum molasses the day they came. About sixty came on the lower end of the place where the darkeys were, but only three came up where I was. That was about noon. They didn't say anything to me particularly. They stopped when they went up and when they went back. When they went up they stopped and asked if any of the negroes had any guns. There are two cabins further on. In the first one they did not get any guns. There was one, but they did not get it. In the next one they had an old army musket. I don't know what they call it; it was a great big-bored old thing. There were two men living there, one old man and his son-in-law. The gun belonged to the son-in-law, and the old man told them he had no gun. The negro was up on the building, fixing the roof. The old man told them he had no gun. They found it afterward, and they hit him and cut him quite a gash on his head with a revolver, and they came to my house. I had not been to Huntsville in about six weeks. It is a pretty good day's ride to come down here and do the trading I had to do. I got home about 9 o'clock, and I had to go down to the sorghum-works to close up there. I was very tired, and I went to bed, and they came about 3 o'clock Sunday morning. I don't think I had ever stirred since I struck the bed, I had slept so sound. My wife was sick and one little child was sick and was in the room adjoining, and the colored woman tending on

my wife came and shook me, and the first shake I didn't wake up. The second time she shook me, and said, "Wake up, Mr. Moss, the Ku-Klux is coming." It was a bright moonlight night, and as I waked up I looked through the front window and saw them riding along the road. They turned in to what had been an old kitchen, where one family lived, and I thought as long as I had waked up I would not go to bed until I saw what they did. I didn't think of their coming to me. I had not heard of their going to any of the white folks' houses, but the first I knew they jumped the yard fence, and were coming with revolvers in their hands to the door and wanted I should come out. I told them I should not come out. They wanted I should open the door. I told them I should not open the door. They staid maybe twenty or twenty-five minutes and called me a coward and threatened to hang me, and one thing or another, but I thought it was on the other leg, because there was twenty or thirty of them and only me and my son about sixteen years old inside. They went off. They have been at my house several times since then, and they always stopped and hallooed on the road like anybody does. I found one of their gowns, and they came and got that.

Question. Came in their disguises and got it?

Answer. Yes, sir. I never opened the door to them. In warm weather the window was up and down. They have passed there several times besides. They licked that old negro Joe Gill one night.

Question. While he was living on your place?

Answer. Yes, sir.

Question. State the circumstances.

Answer. I don't know anything about it, except what I heard from him. They took him off to one side.

Question. What did he tell you?

Answer. He told me that there were three of them came and called him out. They called him out a little way into the timber, and he said there were considerable more there, but there were only three licked him. They licked him with a halter strap. He said there was a ring or knot in the end of it, and he was pretty badly bunged up and sore.

By Mr. BUCKLEY :

Question. Did you see the marks?

Answer. I saw the welts where that thing struck. They were as big as a hen's egg.

Question. On his back?

Answer. All over him. They made him lie down on his belly and struck him.

By the CHAIRMAN :

Question. How long was that before he left?

Answer. I cannot recollect now. I cannot tell without I look at my books when he left. I think February, 1869, was about the time he left, or else February, 1870. I don't know whether he lived one or two years there. This was along in the winter before, perhaps three months before he left.

Question. What did he tell you they said they whipped him for?

Answer. I don't know what they whipped him for. I suppose—he bought an old wagon of a poor white man up there, and agreed to pay him \$40, and paid him \$20, and it was only worth \$10, and he wanted him to throw off some, and at a blacksmith shop near there they had some words about it, and I understood they whipped him for saucing him. You know the customs are a little different here from what they are in other places. They are not alike all over.

Question. Have you finished your general statement, or are there other instances you wish to mention?

Answer. There are none I wish to mention that I know of. They came to my house another time when a young fellow named Kennard was out there registering. I don't know what election that was; I think it was 1869. They kind o' wanted to scare him off.

Question. Was he a republican?

Answer. I don't know whether he was or not. He was registering the names.

Question. You say they came for the purpose of scaring him off?

Answer. I suppose they did.

Question. What did they do on that visit?

Answer. They wanted to know how I was going to vote, and what he was doing.

Question. Did you tell them?

Answer. Yes, sir.

Question. What answer did you make to them?

Answer. I told them I was going to vote the republican ticket.

Question. What did they say in reply to that?

Answer. They said we should not vote that way.

Question. Did they make any threats?

Answer. Not then.

Question. Did they afterwards?

Answer. No.

Question. Had they before that?

Answer. Well, I don't know; I would not really call it threats. After I had voted in the fall of 1868, at the presidential election, I heard this; I don't know it; I only say it as I heard it: A man down town said, "There is that old Yankee Moss that voted for Grant out in Meridian, and he won't live more than six weeks." I didn't get mad about it, but I have lived more than six weeks since then. No, I don't think they intended to do anything, only to scare off the negroes, and I advised all my hands to stay at home and not get into any fusses.

Question. Why did they wish to scare off the negroes?

Answer. I suppose that anybody conversant through here knows that if everybody would say to everybody else, "Just go and vote as you please," this county would go twelve or fifteen hundred republican majority all the time.

Question. Did they wish, then, to drive off the republicans, as far as you could understand it; to drive off the negroes?

Answer. They told them, so the negroes told me, they must either not vote at all or else vote for Seymour and Blair.

Question. Were those men that visited your house at the times you have spoken of always disguised?

Answer. All of them.

Question. Were they mounted?

Answer. Yes, sir.

Question. Were their horses disguised?

Answer. Yes, sir.

Question. Were they armed?

Answer. Yes, sir; they were armed in the day-time, and they carried their revolvers right out in their hands. At night, when the two men came and knocked at my door, I saw the revolvers, and I saw some of the revolvers in some of the others' hands.

Question. How many times from first to last have you seen these disguised bands?

Answer. I have seen them six different times.

Question. Generally, how large were the bands?

Answer. They were from three to thirty, what I saw. I didn't see any of the big bands together.

Question. Have you any knowledge where they came from?

Answer. No, sir; nobody can tell that; there is no use in talking. Some pretend that they can tell who they are, but you see some of them have a sort of mouth-piece with them to speak through that don't make a natural tone at all, and then their faces are covered up. What I call our home-made Ku-Klux, what I suppose are our home-made Ku-Klux, have rather a cheap rig on by the side of our ordinary Ku-Klux. This gown I found was just a loose gown with big long sleeves to it, and then they have a piece of the long gown thrown up over the head if they want to, but it has eye-holes, and all Christendom could not tell who was inside of it by seeing the eyes. What I call the Tennessee Ku-Klux had a very good rig. They look pretty well, with a red coat trimmed off with black, and when they threw the piece up over it was lined with different color from the rest. They had a sort of rubber capes with fixings to come all over them in a rain-storm. They could wear that down. The two that came to my house in the first place were strangers, because they did not have their face-pieces. It was pretty warm. They were strangers.

Question. Did the Ku-Klux themselves tell you where they came from?

Answer. They never told me; I never asked them; but that Ku-Klux organization is all gone by the board long ago. You see this was in 1868. Now, I think the regular Ku-Klux organization was organized for a political purpose, and they found they had failed, because it hurt them in other places more than they gained here and it degenerated down into a sort of robbing. If a man wants to do anything of the kind now he puts on a disguise to do it.

Question. Is it common still for men wanting to commit depredations on property to assume disguises?

Answer. Yes, sir.

Question. And go in bands?

Answer. An old fellow living below me, and keeping a grocery-store, and a little whisky, too, I guess they robbed him three times.

Question. When was that?

Answer. The first time they robbed him was a year ago about Christmas, and then it run along awhile. There were two. I was settled down where I am living now. This man lived on my place. I had just been down to the quarters, and met two men in the road, on horseback, and the old man said I had not been gone five minutes until they came and robbed him of thirty or forty dollars in money and a watch; and the next time they came, they were—what do you call these men that collect this government tax?

By Mr. BUCKLEY:

Question. Revenue officers?

Answer. Yes, sir; they said they were revenue officers, and the old man had just paid his license—that is, the whisky tax. Don't that go to the Government?

Question. Yes, sir.

Answer. Well, he had just paid his tax the day before, and they said it must be he had paid it to the wrong man; that they wanted to see his papers, and as quick as they got his door open they just drew a revolver on the old fellow and told him to shell out. He gave up what money he had, but the old woman had some money that they did not get. They shot the old man that night.

By the CHAIRMAN:

Question. Killed him?

Answer. No, they scared him. The next time there were five or six came. I didn't see them. I was down there about five minutes after they had gone away, they said.

Question. What did they do that time?

Answer. They robbed him again. He hadn't got much money by that time, though; it was pretty much all gone. But I didn't count that Ku-Klux at all.

Question. Did they call themselves Ku-Klux?

Answer. Yes, sir; and they had the same whistles; I found one of their whistles; it is a little, short whistle, not over two and a half inches long. It was made of pewter, and had a little ball that whipped about in the middle and made it like an old bass-wood whistle put in water, if you ever did that when you were a boy.

By Mr. BLAIR:

Question. When they whistle in that way it sounds like a good many of them?

Answer. They would always whistle when they went by my house at night. They had their headquarters up there where they get up out of the graves. They would always whistle to make the dogs bark.

By the CHAIRMAN:

Question. How late was this last visit they paid to this old man on your place?

Answer. That was along in the spring. They were about three or four months making the three visits. Just about the time they thought he had a few dimes on hand they would come. I believe they got forty the first time, thirty the next time, but very little the next time.

Question. Have you heard of any other depredations in that county?

Answer. I heard of a good many.

Question. By disguised men?

Answer. Yes, sir.

Question. Lately?

Answer. About the last I recollect now is their killing old John Markham.

Question. How long ago was that?

Answer. It is some time within two months.

Question. State the circumstances as you heard them.

Answer. I don't know anything about it, except what I heard. In the first place, Markham married a widow woman that had a good deal of property, and I guess he did not use her very well; and she had a son by her first husband named Townsend. He was a pretty bad fellow any way, I presume. He rode with the Ku-Klux all the while, and he is mixed up, too. I think he is one of them that raided that old man. I knew the horses the first night they raided this old man on my place. I knew the color of the horses, and I inquired about them, and found they belonged to a man away up at Hazle Green; and he said they were taken away from his stable and brought back loose next morning, showing marks of hard riding. This son of this widow woman had threatened to kill Markham, I understood, and I heard that two or three nights before he was killed three disguised men rode up to Park Townsend's and inquired for him. Both of them were named Park Townsend, this one supposed to have killed Markham, and another one that is older. We call the one that killed him young Park, and the older one I guess is a pretty nice man. One of my men, Green DePruett, was right there at the time Markham was shot, and they supposed the lamp had bursted, and come to find out Markham was dead.

Question. How late in the evening was this?

Answer. I don't know; it was supper-time; not very late; I presume just after dark.

Question. Was that said to have been done by men in disguise?

Answer. Nobody knows; nobody saw them, as I heard of, but disguised men went and inquired two or three nights before for him.

By Mr. BLAIR:

Question. They fired through the window?

Answer. The window was up; it was warm weather. They came into the back part of the yard and tore up two palings. They could see where the horses were hitched.

By the CHAIRMAN:

Question. Was the case ever investigated judicially?

Answer. Squire Strother went up there as coroner, I suppose. I don't know what he did.

Question. Has anybody been indicted for it?

Answer. It has only been a little while.

Question. Has anybody been arrested?

Answer. No, sir. Two men left the neighborhood; that is, young Park Townsend and his brother-in-law. They left the neighborhood that night.

Question. Did these two men call on Markham or Townsend?

Answer. They called on young Park Townsend, the cousin of Park Townsend.

Question. State any other acts of violence that have occurred the present year.

Answer. I have got down into a little more quiet neighborhood, and I am not so much interested.

Question. You have moved from that neighborhood?

Answer. Yes, sir; I moved a year ago last February. Up there on the edge of this State and the border of Tennessee it is a kind of barren land, and there is a large class of a kind of poor whites living there that did pretty well, I guess, bushwhacking during the war, and got used to it, and everybody got demoralized during the war. The people got so they didn't think anything of killing a man, general.

Question. So far as your knowledge extends, are the men who are committing these acts of violence now the same men who were originally engaged in the Ku-Klux Klan?

Answer. I presume they were engaged in the regular Ku-Klux Klan; but I don't think the regular Ku-Klux Klan is a regular organization at all. I think it has run into this, as I told them it would do. As far as the Ku-Klux Klan is concerned no power on earth could put it down, because if there was a squad of soldiers on every plantation they would have Ku-Klux, because there is so many by-ways to go back and forth.

Question. I take it from what you say that the laws are not very efficiently executed in that part of the country?

Answer. They were executed about as well as they were here. They rode right into Huntsville in 1868 several times. They rode right over the place I am living on just about noon, about forty or fifty of them.

Question. When was that?

Answer. In 1868. I bought the place in March, but did not move down there. Some of them rode then, but as a general thing what I call regular Ku-Klux did not ride only to take the guns from the negroes. If they happened to find five cents they would not take it. At the time they rode over my place they took ten cents from one little negro and five cents from another. I thought that was getting pretty low down.

Question. Was that by the regular Ku-Klux?

Answer. Yes, sir; but they did not generally rob any one, except to take guns and ammunition.

Question. And sought to influence negroes to vote for the Seymour and Blair ticket?

Answer. Yes, sir; or to stay away, either to not vote at all or vote that way.

Question. If all persons, black and white, were allowed freedom to express their sentiments at the ballot-box in Madison County, at this time, what in your opinion would be the republican majority?

Answer. From twelve to fifteen hundred.

Question. Do you believe that the colored people at this time are intimidated from voting their real sentiments?

Answer. I don't doubt it at all.

By Mr. RICE:

Question. How far is this upper place of yours from Meridianville?

Answer. Three miles and a half.

Question. How far is it from Mr. Turner's?

Answer. Where Mr. Turner lives is some distance. I go up and turn east from Meridianville. My house is about a mile and a half east of the Meridian road and Mr. Turner's nearly that much west of it and a little further this way.

Question. You live about three miles apart?

Answer. Yes, sir.

Question. So that these occurrences you spoke of happening up there were in his neighborhood as well as yours?

Answer. Yes, sir.

By the CHAIRMAN:

Question. He would be as likely to hear of them as yourself?

Answer. Yes, sir; he would be likely to.

Question. Did you ever hear of any negroes on his place being visited by the Ku-Klux?

Answer. No, sir. Although he did not live more than four miles from where I live, at the same time he comes in a different way from what I do to town, and I hardly ever see him except I happen to meet him two or three times a year.

Question. Is he a very decided democrat?

Answer. I don't know.

By Mr. BUCKLEY:

Question. Did your laborers take your advice when you told them it was best for them not to go to the polls?

Answer. Yes, sir. I met old Joe Gill. The election was on Tuesday. They had a row here on Saturday, and that judge down here, what was his name?

By the CHAIRMAN:

Question. Judge Thurlow.

Answer. He was killed here, and a darkey. I came down Monday, and I met old Joe this side of Meridianville. He had got about four miles from home and was coming down to vote, to go back next day, so as not to be abused. I told him he had better go back.

By Mr. BUCKLEY:

Question. Did he go back?

Answer. Yes, sir.

Question. So that none of your laborers voted?

Answer. No, sir, none; only I voted myself. I would not have voted, but I didn't want to be bluffed off. I thought if I did not go and vote they would think they had scared me off.

Question. Did other negroes in your neighborhood abstain from voting?

Answer. O, yes; hardly any voted.

Question. Are the negroes quite easily intimidated?

Answer. Yes; they have always been kept under, and if a white man tells them anything they of course go by it. I might send any hand that is at work for me now and tell him to go and do a certain thing two or three miles off, and if you met him and told him to do something he would go off and do it, and neglect what I have told him to do.

Question. They are subject to fear?

Answer. I don't know as it is that, it is habit, habit.

Question. Do not these hideous disguises act on their superstition and add to their intimidation in that way?

Answer. They look pretty bad.

Question. Did you have any reason to doubt that Joe Gill had been whipped?

Answer. O, no; I saw the marks.

Question. If he should swear that he had been whipped by the Ku-Klux on a certain night, would you believe him?

Answer. Why, I saw the marks. I heard of his being whipped, and I went down and examined him myself, and he was pretty badly beaten up. He told me that three of them hit him fifteen licks apiece with a beveled strap.

Question. Was Joe a pretty good manager on the plantation?

Answer. He was a pretty good worker.

Question. He worked with you in 1866?

Answer. He worked on my place, not with me.

Question. Was it from you he took some cotton?

Answer. It was part of my cotton. He hid some cotton. The lint-room floor was only loose boards. Old Joe was putting up cotton with one or two more, and he slipped some under the floor. It was about the last of June, and he thought the room would be unlocked and he would get some cotton in that way. Any of them will steal a little thing like that.

Question. You employed him after that?

Answer. Yes, sir. There is no use in talking, any of them that has white around their eyes will steal little things, and that is all. They will steal little things, but only little things.

Question. Because they are in the habit?

Answer. They steal from one another.

Question. Did you ever hear that anybody was whipped on Park Townsend's place?

Answer. Yes, sir; they killed three in open daylight. That was the first killing the Ku-Klux done?

Question. What were the circumstances?

Answer. I only know what I heard. They had a little more spite against negroes who had been in the Union Army than others.

Question. Had you not a number of negroes in this country who had been in the Union Army?

Answer. Yes, sir; a good many.

Question. Did not most of those guns belong to such men ?

Answer. I have two that have worked for me ever since I have been here that were in the Union Army. One of them did not stay in a good while ; he got sick. The other staid until the war closed. That old man they took and hit with a revolver had this fellow's gun, an old musket.

Question. An old smooth-bore ?

Answer. Yes, sir ; it had been cut off.

Question. You started to tell the circumstances of the three being killed.

Answer. These three fellows talked too much. They had been in the Army and thought they could do about what they pleased. They told what they could do. The Ku-Klux did not allow anybody to say what they could do with them. You must not say anything against them ; and these negroes told in a bragging sort of way what they would do if they encountered them. This is all hearsay.

Question. Do you deem it reliable ?

Answer. Yes, sir, I have heard it from a great many different sources.

Question. Please to state it ?

Answer. The first time they came to Park Townsend's they came to a negro's house that had been in the Union Army. They went to ransacking the house, and the negroes got out through a hole and went off and got an old shot-gun and fired at them, and scared them off, and they left a lot of traps. They brought their things down to town here. I believe they took them back again ; I don't know what was done with them. They still kept telling what they were going to do, and the Ku-Klux came right along, in broad day-light, about the middle of the afternoon, and one negro stood his ground pretty well, and fired off his revolver at them, but I suppose he fired it a long ways off, and they came up and shot three of them ; two they killed dead, and one died in two or three days.

Question. Have you ever heard of any trouble up in New Market ?

Answer. No, sir ; I am not in the New Market way at all ; that is another road to Huntsville. That is the road further to one side that Turner is on.

Question. Were those men killed by men in disguise ?

Answer. Yes, sir, regular Ku-Klux.

Question. Was nobody arrested for that ?

Answer. No, sir ; you could not tell anything about it. It has been a very great trouble to detect parties. It is impossible, it seems impossible to put it down. Public opinion has got to put it down, that is the only way. If there had been in the Ku-Klux times a squad of soldiers on every plantation they would have gone on. The thing has passed on now and is quiet. It is now more old grudges than anything else. You see the people have lived a long time together and married in together, and you can hardly say "booh !" to a man anywhere but you are talking to some of his relatives, and of course they have a great many grudges, grudges between old residents. I apprehended that the organization would degenerate into just such a thing. I went to some of the leading men of Meridianville, Sunday morning after they had been to my house ; that was the only rough time. As to the other time I cared nothing about it, because they came along the road just like anybody ; but that time, jumping the fence and calling me a mean man and coward, and every such thing, when they were armed and outside and I inside—I was armed, it is true ; I had a good rifle and a double-barreled shot-gun, and a revolver, and Spencer carbine, with nine loads, and I calculated to give them the best I had—

Question. What did you tell these people ?

Answer. I told them I was free-born, of lawful age, and had been well recommended, and was not going to be run away. When I told a man to come into my house he could come in, and when I told people they must stay out, why they must stay out ; and if they attempted to come in some of them would have to be carried off on a shingle.

Question. You purchased there in 1866 ?

Answer. In February, 1866. In one sense the Ku-Klux are to blame for these little petty depredations that are going on now, and in another sense the Ku-Klux are not.

Question. You think public sentiment is better than it had been ?

Answer. Yes, sir ; they say now that they were wrong.

By the CHAIRMAN :

Question. Did they ever in their visits to your house throw it up to you that you were a Yankee and a radical ?

Answer. No, I don't know that they did ; but they used my hands worse than those on the adjoining plantations.

By Mr. BUCKLEY :

Question. Did they try to break you up and drive off your hands ?

Answer. Well, they kept working at my hands and beating them about a good deal.

By the CHAIRMAN :

Question. Because they were working for you ?

Answer. I suppose it was for that.

By Mr. BUCKLEY :

Question. You never attempted to hold any office ?

Answer. No, sir ; I am no politician. I don't want any office ; but I calculate to go to hell my own road, and vote just whatever ticket I have a mind to.

Question. Do you think men who have come down here and kept aloof from politics, and purchased property, and attempted to live here are proscribed by public sentiment ?

Answer. I know of one man from Ohio, up right on the Meridian road. He is a sort of weak-kneed, long-legged Buckeye. He has never voted, and yet they have bothered him some.

Question. Is he a republican ?

Answer. I don't know what he is ; he takes the New York Tribune ; I guess he is a republican.

By the CHAIRMAN :

Question. How long has he lived there and not voted ?

Answer. He lived there three years.

By Mr. BUCKLEY :

Question. You say he has had trouble also ?

Answer. Yes, sir ; they pestered him some this summer. He is a carpenter and a joiner ; has a first-rate, good family, and quiet, and don't want to say anything to hurt anybody. He just attends to his own business.

Question. What have they done to him this summer ?

Answer. Well, they have hanged around his house some ; they didn't hurt him any.

By the CHAIRMAN :

Question. Disguised men ?

Answer. Yes, sir ; they went there disguised.

By Mr. BUCKLEY :

Question. That is not very agreeable to a man and his family ?

Answer. No, sir, it is not ; it is rough. The rough time they came on me, my wife was sick, and one of the little girls. My wife was pretty badly scared. She was in the room to herself, but she took cold from that, and that has cost me quite a doctor's bill. The time there were sixty of them, they rode plumb through my cotton spread out to scare the negroes. They knocked it over the ground. That was not called for at all, because they could have scared them well enough without doing that. My hands laid out, and did not sleep in their houses for three or four months ; they didn't know what was coming.

Question. Do you not find it difficult to carry on a plantation ?

Answer. I cannot do it at all. You could not hire a hand from Huntsville to come out and stay all night. You could not have got one for ten dollars a day.

Question. Were they afraid ?

Answer. Afraid.

Question. Is not this riding over the country very injurious to the interests of the country ?

Answer. O, I tell you they have quit it ; but in former times, of course, it hurt the country, hurt it all over. In that year that they rode, 1868, the crop I made I never got picked out until March.

Question. You could not hire men ?

Answer. I could not get hands ; you could not get them out there to save your soul.

Question. Cotton was valuable, was it not, that year ?

Answer. It is valuable every year ; it costs a heap of work.

Question. Have any gin-houses up there been burned or disturbed ?

Answer. No, sir ; no houses burnt that I know of.

Question. Any public schools in your part of the county, for white or colored ?

Answer. I believe there is a colored school up in Meridianville now, but I don't know for certain. Schools are pretty scarce ; the people are scattered so bad.

Question. Have you ever heard of any being broken up or interrupted, or teachers run off ?

Answer. No, sir. A young fellow over at Limestone that has worked for me here a month or six weeks ago, said that the darkeys had got up a school for a school-house, and on Saturday it took fire and burnt down. He said they were to have had school Monday morning.

By the CHAIRMAN :

Question. Where was that?

Answer. In Limestone County.

Question. Was that a late occurrence?

Answer. That was about six weeks ago, laying-by time.

Question. Are the people of this country in favor of free schools?

Answer. I guess they are.

Question. Are they in favor of colored schools?

Answer. As far as I know; I have not heard anything against them up our way.

Question. Have you heard anything said against the negro voting?

Answer. I don't think myself—I won't say blacks at all, either; but I will say, I don't think myself that any persons are fit to vote until they can read and write a little and sign their own name.

Question. Is that the general opinion in this part of the State, so far as you know?

Answer. The opinion is different from that; they think the negroes ought not to vote, any way; but, you see, I include the whole. We have a class of poor whites that don't know more than the negroes.

By Mr. BUCKLEY:

Question. On that plan you would disfranchise 30,000 voters in this State?

Answer. I expect a long ways more than that.

Question. Did not the census of 1860 give 30,000 adults who could not read or write?

Answer. Yes, sir; whites.

By Mr. BLAIR:

Question. It would include all the negroes?

Answer. No, not all; some of them can read; some of them learn pretty well; and some of them are quick; just teach them two or three letters, and they will begin to ha-ha, and they know the whole thing. I have two little negroes, one twenty and the other sixteen or seventeen; learn them anything, let some one say something to make them laugh, and they cannot tell what it was. Just get a good solid ha-ha, and they cannot tell what it was. You see, the blacks out in the country are very different from what they are in this town.

By the CHAIRMAN:

Question. So far as you have heard an expression of opinion, do you think the people of the State of Alabama would be disposed to take away negro suffrage if they had the power of doing it?

Answer. I don't hardly know whether they would or not; I believe they would not if they voted the democratic ticket.

Question. Do you think they would be willing to allow them the suffrage?

Answer. I believe they would, if they voted with the democratic party. I know some of them do vote the democratic ticket. If I was a pretty strong democrat—I never made a practice of telling a man how he shall vote, and never have since I came in the State, black or white. They have asked me many a time; I would say, "I am going to vote so and so, and you vote as you please." I vote as I think is right. On the other hand, if I was a pretty strong democrat, and anxious to make votes, and had hands on my place, and told them, like most of them have told them, that they must vote the democratic ticket or get out of this, I think they would be apt to vote that way.

By Mr. BUCKLEY:

Question. You think that has been said to them in this part of the State?

Answer. I am pretty sure about that.

By the CHAIRMAN:

Question. If the negroes were left to their own free choice, have you any idea that any of them would vote the democratic ticket?

Answer. I think about one in a million would—just about. They have got a good deal of sense, and still they have not got good sense either.

By Mr. BUCKLEY:

Question. They all feel that the republican party, in its policy and measures, has been friendly to them?

Answer. They, all of them, think of Lincoln as a great man.

Question. They entertain about the same opinion of Grant, do they not?

Answer. They run back to Lincoln more than they do to Grant.

Question. That is natural, is it not, situated as they were?

Answer. Yes.

By the CHAIRMAN :

Question. Do you find yourself in any way slighted by the native population of Alabama on account of being a northern man?

Answer. They did slight us a good deal; I didn't feel it so much, because I was around all the while; but the women folks did. The first settlement we settled in was not a good neighborhood. We have got into a very good neighborhood now, and I don't know but that we are used as well as anybody.

Question. What did the women complain of?

Answer. Nobody would come to see them; nobody at all.

Question. Because they were from the North?

Answer. Yes, sir.

By Mr. BUCKLEY :

Question. That social proscription has passed away, you think?

Answer. Yes, sir; I think the last year has made a great deal of difference. I don't know as they are much to blame for it. You see they have always lived right here. Their leading men had gone off, and were well versed in all sections of the country, perhaps better than any of the leading men we had in the North. I guess they had more money and more time to spend, and I think they understood things first rate. But the great mass of the planters that owned the land staid at home all the time; they just visited their kinfolks and neighbors, and were not used to seeing men. I have lived in Illinois and Iowa. Sometimes I would meet what we call a Yankee there, coming from Eastern States. When he came out to us his ways were altogether different from western people's ways. They are more like southern people than what we called Yankees in the six Eastern States. These people here had lived here so long together, and not had any emigration, that when a stranger came among them it was to them like going to the circus. When I first came here I drove my own team. I thought I could drive it as well as any negro, and sometimes I would have two or three negroes in the wagon behind; but I should have been on a horse riding before or beside and had the negroes driving; that would have been the style. So when I would drive my team in this way, the people would turn around as they passed and gawk at me like I was circus. Now they are all driving their own teams themselves.

HUNTSVILLE, ALABAMA, October 14, 1871.

JOHN H. WAGER sworn and examined.

By the CHAIRMAN :

Question. Please to state your residence and occupation.

Answer. Huntsville, Alabama; agent and disbursing officer of the Freedmen's Bureau.

Question. When did you come to Alabama?

Answer. I came to Alabama in September, 1865.

Question. In what capacity?

Answer. As a private citizen.

Question. How long after that did you become connected with the Freedmen's Bureau?

Answer. I entered the Freedmen's Bureau as a clerk for Colonel Edwin Beecher in May, 1867.

Question. Have you been connected with the Bureau ever since?

Answer. Yes, sir.

Question. At what point have you been stationed?

Answer. I was stationed at Montgomery until about the last of September, and then I was ordered up to Athens, Alabama.

By Mr. BUCKLEY :

Question. September of what year?

Answer. September, 1868; and in February, 1869, I was ordered here, and have been here ever since. I came here the 1st of February, 1869.

Question. Did you marry South?

Answer. I married a lady of Elmore County, Alabama.

By the CHAIRMAN :

Question. Have you ever had any experience with the Ku-Klux Klan?

Answer. No personal experience since 1868. They never interfered with me personally. When I was on a visit to my father-in-law, in Elmore County, Alabama, one Sunday night, they took my horse out and disfigured it very much. They slit his ears, cut a piece of the ear off and then doubled it up and slit it down so as to make it stand

in the shape of a V, and they cut all the hair off of his tail and mane, and, I suppose, evidently intended to cut the horse's throat, for there was a deep gash on the right side of the neck, as if they had cut it and the horse had flinched, so that instead of striking the jugular vein, it slipped over on the muscles of the neck. I never got any word—never, of course, saw any of the people there who did it. They sent word to me that if they caught me in that section of the country again they would do the same thing to me, and I left. That was about the 20th of September, 1863, just before I came here; at all events, it was in the latter part of September.

Question. What reason have you for supposing that this was done by the Ku-Klux?

Answer. Well, they were very much opposed to my wife receiving my attentions.

Question. That was before you were married?

Answer. No, sir; this was after I was married; and when I came up here to North Alabama whenever her father would leave home, some of these men dressed in Ku-Klux disguises would come to the window and tap on the window and stick up their heads. They did that three or four times while I was away.

Question. What did they say?

Answer. They would not say anything. It was just, I suppose, to devil them.

Question. They showed their heads with their disguises on?

Answer. Yes, sir.

Question. Did they ever send you any notice beside the one you speak of?

Answer. No, sir, but that rumor; that was what was told me by persons living in that neighborhood. That was the current rumor there. My wife told me afterwards that persons came to see her and said that was the rumor through the country, that if I ever came back there they would treat me in the way they had treated my horse; but I had been visiting here quite a while before that, and they never interfered with me. In fact, I never saw any of the citizens or men of the country.

Question. Is this the only personal experience with the Ku-Klux you have had?

Answer. Yes, sir; that is all.

Question. State whether, as agent of the Freedmen's Bureau, you have collected any facts relative to the outrages committed upon colored people by the Ku-Klux Klan?

Answer. About the time that I came to Athens the functions of the Bureau as a protection to the colored people had ceased in the State. While at Athens they used to come to me—those that had been whipped and annoyed by these men—but I have no record of anything that was done there. I always referred them to the civil authorities.

Question. How numerous were the complaints made to you?

Answer. They were very frequent. Sometimes I would have as many as two or three a week, where they were whipped for this thing and another; they did not know what. Several outrages were committed in that county, but the whipping and cutting of the boy Blair, and several others, I furnished statements of to General Crawford after they occurred.

Question. Have you kept a memorandum of the outrages committed since you have come to this place—Huntsville?

Answer. I have kept a kind of a memorandum when anybody came to me. I thought the best way to do, where the outrages were of a very serious nature, was to write their statements out and have them sworn to, either before Judge Douglass, probate judge, or the clerk of the circuit court, and some copies of these I kept and gave to Mr. Lakin, and some copies I forwarded to General Crawford. Most of the valuable testimony I had I transferred to General Crawford's hands, in the shape of affidavits. In 1869 a woman was whipped in Lauderdale County, and very badly abused by some men. That was the only case I know of where the civil authorities took hold and arrested, until lately; until last summer; but they drove her out of the county by some means or other, and she is now in Huntsville, and of course she was not able to appear before the parties as a witness. They were arrested by the sheriff and bound over, I think, for appearance before the grand jury. That is the usual mode of doing here; they bind them over for the action of the grand jury.

Question. You may give the committee a statement of such cases as you have made memoranda of, refreshing your memory by your memoranda.

Answer. [consulting memorandum.] I have a list of men that reported the doings of these so-called Ku-Klux to them. A great many of them were made, by threats, to give up their guns. I made a memorandum of them.

Question. Go on and give the statement of them.

Answer. Marshall Strong states that in October, 1869, some men in disguise came to his house at night, and demanded a Springfield rifle, which he gave to them. They used threats—threatening to whip him if he did not deliver it up. Timone Bell reports the same fact in the fall of 1868.

By Mr. BUCKLEY:

Question. Do you recollect where these parties lived?

Answer. Some of them I have seen since the committee have been here. I did not know but they might need their presence, and I got their residence. Marshall Strong I saw, and he told me his residence was at Theo. Mayhew's.

Question. I only asked for the county?

Answer. Well, Madison County. These cases are all in Madison County. Caleb Beasley was beaten over the head by men in disguise, and his wife very badly whipped. Both in the fall of 1868.

By the CHAIRMAN:

Question. What was his offense?

Answer. Well, he said he did not know what it was for. Sometimes they told them it was for "sassing" the white folks, and for this and that thing.

By Mr. BLAIR:

Question. Where did Caleb Beasley live?

Answer. He told me he lived at Kelley's Springs. I made a brief memorandum of it, and as near as I can get it it is Kelley's Springs.

By the CHAIRMAN:

Question. Go on with your statement.

Answer. James Rice; men, by threats of whipping, made him give up his gun.

Ben Hammond; men in disguise, in the fall of 1868, took his gun. They said if he would vote for Seymour and Blair they would give it back to him. He said he would not. They said, "If we catch you coming from the election you had better be in hell!"

Henry Stewart; in September, 1868, by threats was made to give up his gun by men in disguise.

Charles Garner was compelled to give up his gun.

Randall Hayden and

Henry Dawins—I do not know how to spell that last name; I think that is the negro way of pronouncing some other name. He complained of their taking his gun. They came to him again and threatened to whip him for complaining.

Question. By "they" do you mean Ku-Klux?

Answer. Yes, sir; men in disguise.

Question. Did they come in parties?

Answer. Yes, sir; sometimes a dozen, sometimes only four or five.

James Locket; in the fall of 1868; they came and made him give up his gun; and

Jerry Garner, too.

Question. What was the case of Jerry Garner?

Answer. They threatened him and demanded his gun, and he gave it up to them.

Also Wesley Adkins.

Question. What was his case?

Answer. Men in disguise, my memorandum is, threatened him and made him give up his gun. Of course, I just made this memorandum from what I had. It states by threats that they would whip them if they did not do it.

Monroe Ford had to give up his gun in the fall of 1868.

William Ford was whipped by them, and

Washington Ford.

Question. Was he whipped?

Answer. No, sir, they took his gun from him;

Also Roland Ford; by threats he was made to give up his guns.

William Peyton; he reported that men in disguise took his gun and beat him because he had been a soldier. I do not remember anybody in this section of the country named Peyton, and I think the name must be Patton. They came there after him several times.

Question. Had he been in the Union Army?

Answer. He said he had been a soldier in the Union Army.

Mat Hammond; in the fall of 1868 men in disguise demanded and took his gun.

George Lawler; in 1868 men in disguise demanded and took his gun.

William Vincent; in the fall of 1868 was taken out of his house and whipped by men in disguise.

Thomas Regney was taken out of his house and whipped by men in disguise in the fall of 1868.

Question. Does that exhaust the list of 1868?

Answer. Except some cases which I stated occurred; I believe Mr. Lakin had some of the cases, and also General Crawford has some.

Question. Those are cases that you have not given an account of?

Answer. I do not think I have given an account of them.

Question. Were these, in all cases, colored men whose guns were taken from them?

Answer. Yes, sir.

Question. And who were whipped?

Answer. Yes, sir.

Question. These instances all occurred in Madison County?

Answer. Yes, sir.

Question. Proceed with the cases occurring in 1869.

Answer. John Clarke; in the fall of 1869 men in disguise, by threats, took his gun from him. There was a white man, as it was reported to me, by the name of Dougherty, was hung in the north part of the county in the fall of 1869; a Union man.

Question. Was he killed?

Answer. Yes, sir; hung until he was dead. That was the rumor all through that section of country.

Question. Was it reported that he was hung by men in disguise?

Answer. Yes, sir, by men in disguise.

Question. Did you understand what offense was imputed to him?

Answer. I did not. John Leslie, at Doctor Beasley's, where he was living, was shot at by men in disguise in September, 1869, and told that if he ever reported they would kill him. That was in the night. He had to leave his home and remained in town the balance of the year.

Question. Was he a colored man?

Answer. Yes, sir.

Question. Proceed with your statement.

Answer. Edmund Miller; in the fall of 1869 men in disguise took his gun.

Peter McCrary; men in disguise took his gun in the fall of 1869.

Hensley Miller; men in disguise took his gun from him in the fall of 1869.

Thomas Sledge; men in disguise took his gun from him.

Woodward Leslie; in the spring of 1869 men in disguise took his gun and pistol from him.

Dan Vicks stated that men in disguise came to his house, hunting for him, they said, to kill him. They wanted his gun; and he told me that for a long time he had to stay out in the woods. He was afraid to sleep in the house at night.

Question. When did that occur?

Answer. That was in the summer of 1869.

Frank Robinson says that in the fall of 1869, one Saturday night, men in disguise came to his house and made him give up his gun. They came four times in one week after him. He had to sleep out of doors and was afraid to stay in his house for a month.

Joe Locket was whipped by men in disguise, ten or fifteen in number, he stated. They tied him and whipped him and took his gun.

Question. When was that?

Answer. That was in March, 1869, as he reported it to me.

Anthony Bone; they took a gun away from him in 1869, and another in February, 1870. They beat him over the head with a pistol because he did not give up his gun when they first demanded it. That was the reason. He told me he gave up his gun the last time.

Question. Was this done by men in disguise?

Answer. Yes, sir. As I stated, all these facts were reported to have been done by men in disguise.

George Tillingsworth, in the fall of 1870, was visited by men in disguise who demanded and took his gun.

King Barrett; in January, 1870, men in disguise demanded and took his gun.

Peter Acklyn; men in disguise demanded and took his gun and put a rope around his neck and hung him; I think he said because he was a soldier. My memorandum says, "Was a soldier."

Nathan Carter states that in January, 1870, men in disguise took his gun.

Timone Bell reported that in January, 1870, they took another gun from him.

George Old; men in disguise demanded and took his gun.

Peter Horton; men in disguise demanded and took his gun from him.

William Miller; in January, 1870, they demanded and took his gun.

Isaac Crutcher; in September, 1870, men in disguise demanded and took his gun and told him if he did not vote for the democrats they would hang him. It was reported to me—not by the woman herself—of a woman named

Maria Terry; that men in disguise demanded and took a gun from her.

Randall Hayden reported that the Ku-Klux were at Mr. Pickens's about August, 1870. They came there riding.

Question. What did they do?

Answer. They just rode around among them to let them know that they were still in existence.

Question. Go on with your statement.

Answer. John and Daniel McMahan, who had been soldiers—

Question. White or colored men?

Answer. Colored men.

Question. What did they report to you?

Answer. That in May, 1870, the Ku-Klux got after them about going to the ratification of the fifteenth amendment that was held at Huntsville, and then demanded their guns, and Dan shot at them, and I understood from him that they wounded one of

them. He had to be carried away, and they ran off and left them. Before that they had, I suppose, a little fusilade there. They shot at and drove off a negro named Corey Luney, who was there at the place.

Joseph Manning; in January, 1870, men in disguise came and broke down the door of his house. He got out of the window, and they shot at him. He had to leave there, and lost all his crop and work for 1870. There was a report made to me at the time—in June, 1870, I think it was—of a colored boy being hung, up in the north part of the county. The way I understood it was, he was taken by disguised men as he was coming from church on Sunday night, and the next morning he was found hanging to a tree.

Question. Did you understand what he was hung for?

Answer. There were all kinds of rumors in regard to it, but I never could find out definitely what it was for.

By Mr. BLAIR:

Question. What was his name?

Answer. I do not remember his name.

By the CHAIRMAN:

Question. Was there any doubt about the fact of his being hung?

Answer. There was no doubt about that fact.

Question. And by disguised men?

Answer. That was the understanding at the time.

By Mr. BUCKLEY:

Question. Did you ever hear it contradicted?

Answer. No, sir; I do not think that I did. These papers here, I think, never published any notice of it. They very rarely put anything of the kind in the paper.

By the CHAIRMAN:

Question. Are you speaking of the democratic paper?

Answer. Well, all of them. They rarely refer to these things; they rarely refer to these outrages.

Wiley Strong reported to me in December, 1870, that two men came to his house. I think I sent a statement of the facts in his case to General Crawford.

Question. What were the particulars of his case?

Answer. He reported to me that the Ku-Klux came there—some two men—and broke into the house. They were having a dance, and he was shot, and they drove the balance of the men out and ravished two women. I have seen the women, and conversed with them. They also killed a man. That was supposed to be done by two men by the name of Vickers and Hill.

Question. When did it occur?

Answer. I think it was the 3d of December, 1870. That is my memorandum.

Question. In what part of the county is that?

Answer. That is up near New Market. I have seen these two women and the widow of the man that was shot—Henry Clung, I think.

By Mr. BLAIR:

Question. Who was it supposed to have been done by?

Answer. The rumor was that it was done by two men—Vickers and Hill.

By the CHAIRMAN:

Question. Were they in disguise?

Answer. Yes, sir; they were in disguise.

Question. You say you have conversed with the women?

Answer. Yes, sir.

Question. Did they verify the fact that they had been ravished?

Answer. Yes, sir; both of them stated that fact to me; that they had been ravished by these men.

Question. What was Clung killed or shot for?

Answer. I do not know, sir. The negroes were having a little dance at the house, they told me, and these men rushed in on them. Some of the men, I understood, resisted them, and they drove them out, and then ravished these two women. The women stated that fact to me.

Frank Betts lives at Mr. Mastin's. In April, 1870, men in disguise took three guns from him.

John Clark, in the spring of 1870, was taken out of his house and whipped by men in disguise.

William Steele; his mother reported the fact to me that men in disguise took him out and hung him by the neck for quite a time. They did not kill him—put a rope around his neck and strung him up, and kept him there for some time.

Question. What was his offense ?

Answer. He said he did not know what it was for.

Question. How many men were concerned in that outrage ?

Answer. I do not remember, sir, the number. I do not know that he told me.

Elijah Townsend ; men in disguise took his gun in the summer of 1870, and William Jones at the same time was whipped by these men in disguise.

Gilbert Acklyn, in the fall of 1870, was visited by men in disguise, who took his gun from him ; also Philip Acklyn. Men in disguise demanded and took their guns from them.

Matt. Hammond reports that last spring, 1870, he received a letter sent to him by the Ku-Klux ordering him to leave his home, and stating that he should not live within twenty miles or he should be hung. It was reported to me that a colored man named

John Kemp, in the fall of 1870, in coming to town with his team, with some cotton, was taken in the day-time and beaten by men in disguise.

William Jones ; in February, 1870, the Ku-Klux, as he called them, made him give up his gun, and caught

John Jones at the same time and whipped him. He reports that his wife was lying sick in bed, on her death-bed, and these men, to scare her and make her tell where Jones was, shot their pistols off over her as she was lying in bed. The brother of William Gravit reported to me that in March, 1870,

William Gravit, when he was sick in bed, was taken out by the Ku-Klux and chased through the wet. He said they caught him and were going to whip him. This brother that reported the fact, and some of his friends, followed them. They saw them coming and left the boy. He has since died ; he died a month or two after that. I do not know whether the chasing and the taking of him out of bed was the cause of his death or not. I asked that question, and the boy said he did not know. He got up after his sick spell, but was taken sick again and died.

Calvin Walker, in the spring of 1870, was taken out and whipped by men in disguise.

John Bone, Jim Bone, and Benjamin Derrick reported that men in disguise demanded and took their guns from each of them in the fall of 1870, and at the same time they whipped Wesley Tucker.

Jesse Miller reported that men in disguise took his gun in February, 1870. It was reported to me by the wife of

Charles Burns, that men in disguise hunted for Aaron Tate in July, 1870, and Aaron escaped, and they shot her husband in the back and arm.

Edward Leslie reported to me that men in disguise took his gun in August, and it was reported to me that three colored men were whipped at Jackson Steel's place, and one of them shot.

By Mr. BUCKLEY :

Question. In August of this year ?

Answer. Yes, sir ; August, 1871.

Question. Were they whipped by men in disguise ?

Answer. Yes, sir. Besides these, there are two or three cases of notoriety that were reported to me. I did not make any memorandum here. This negro, William Henderson, reported to me the facts of his case ; also Mr. Weir's case, in Limestone County, was reported to me, and a man named William Bryant, that was whipped down in Walker County, was reported. I believe the district attorney had these cases in hand.

By the CHAIRMAN :

Question. The other cases you have been giving heretofore, I understand, occurred in Madison County ?

Answer. Yes, sir ; all of them. There has been considerable disturbance in Morgan County.

Question. Have you any memorandum of them ?

Answer. I have some few memorandums of Morgan County.

Question. Give us the cases ?

Answer. I furnished General Crawford some of the cases, or rather the governor of Alabama—then Governor Smith—of some outrages that were committed there, and he employed an attorney to look after them ; but I do not think anything was done. I do not know whether the grand jury ever found bills.

Ruth Chapman reported to me that men in disguise whipped her and struck her over the head with a pistol. She has the scar. I do not remember now which side of the face or head. That was in the spring of 1870.

Simon Bush and Keziah Bush, two men, reported to me that they were whipped in the spring of 1870. There was a colored man at the same time who was killed, I think, on the next plantation, by the name of Williams, and they shot another man. I saw Simon and Keziah. This other man was shot in the arm. I disremember his name now. I think it was in April.

Question. In what year was that ?

Answer. In 1870. A colored man calling himself George Washington Holliday ; men

in disguise came to his mother's house, where he was; got into the house and took him a prisoner, but he knocked them down and escaped. They left word with his mother for him to leave there by ten o'clock Monday morning. This was in April, 1871. He had been a soldier, and remained North after the war; returned in February, 1871, to see his mother and sisters. General Crawford has a statement from him, I think. I took his affidavit and sent him down to Mr. Day to try to have them prosecuted, but I do not know what Mr. Day did; I never have heard from Mr. Day the result of it. I know the man staid here a week or ten days, waiting to see if they could do anything, and got tired and went back North. I think he was living in either Wisconsin or Michigan.

Question. Was he a white man?

Answer. No, sir; a colored man. He had been a soldier. They afterward, I understood, whipped his sister, and abused her very much. In Jackson County, at Stevenson, there is a community (I suppose that Mr. Lakin reported that fact) of some society from Pittsburgh that bought some ground there and put some negroes upon it; that it sold them the lots, and they were to pay for them by installments. I think the Freedmen's Bureau built a school-house and donated some money. That was burnt, I think, in the summer of 1868. They have been continually the mark for these disguised men to annoy and worry.

Question. You mean that colony?

Answer. Yes, sir; that colony. The ladies that were teaching the school there have several times written to me letters, asking military protection. I think General Crawford has the letters. I always forwarded them to him. Lewis Jackson and others, last spring, in March, were arrested, I think, on suspicion of firing into some house. They arrested these men there, and at night the Ku-Klux came and took them out of a stockade they had been put in, and were just about to hang them. Their friends telegraphed up here to General Crawford, and he at once sent down some soldiers, and that, I have no doubt, saved their lives. At the same time there was a man named Samuel Lawler, who was shot by the Ku-Klux. The people from Jackson came up here by car-loads two or three days. I suppose there were one hundred of them. They fled and left everything.

Question. When was that?

Answer. About March, 1870. Eight or ten of them are still in town, and have not yet gone back. Some had pigs and cows, and horses, &c., and just left them there.

By Mr. BUCKLEY:

Question. Did you know them?

Answer. Yes, sir; I have seen Lawler and Jackson and Sir Daniel.

By the CHAIRMAN:

Question. How far is that from Huntsville?

Answer. It is the terminus of the Memphis and Charleston Railroad, and of the Chattanooga road.

By Mr. BUCKLEY:

Question. It is the point of union of the two roads—Stevenson, Alabama?

Answer. Yes, sir. It was reported to me that disguised men shot and killed Ned Larkin in December, 1870, and shot his son, but did not kill him. This occurred at Larkinsville, Jackson County, Alabama. That was reported to me by Mr. Latham, the collector of the United States revenue.

Question. An account of that Larkin case was published in the Democrat, was it not?

Answer. I think so. I see the Jackson County papers. I have seen a dozen accounts of outrages there until it got to be an old thing, and there seemed to be no way of doing anything with them, and I quit trying to do anything there. The widow of Elliott Fearn reported to me that, in October, 1869, her husband was taken from his house, and the next morning he was found riddled with bullets.

By Mr. BLAIR:

Question. What is her name?

Answer. I forget her name. His name was Elliott Fearon. It is just at the edge of Marshall County. She was so excited that, even two or three months afterward when I saw her, she could not tell whether the men were in disguise or not, or how many there were. I sent her up to Marshall to have the county prosecuted under the Ku-Klux law. The solicitor of the county promised to attend to the matter. I do not know whether he has ever done anything or not. In Lawrence County it was reported to me (and I referred the matter to General Crawford) that some men threatened Washington McDaniel's house, and he got some of his friends to go there. The Ku-Klux in disguise attacked them. It was reported to me by a man they sent up with a letter to me, to ask for troops for protection. They had killed one man and wounded another. I referred the matter to General Crawford, and also called Governor Smith's attention

to it when he was down trying that Patona matter. I do not know what was done, or whether anything was ever done about it. That is the extent of my memorandum.

By the CHAIRMAN :

Question. State whether you had reason to believe, at the time these cases were reported to you, that the parties told the truth.

Answer. I think they did, sir. I firmly believe that they told the truth.

Question. How did these men in disguise vary in numbers at the commission of these outrages? State the maximum and minimum.

Answer. Sometimes there would be two or three; sometimes a dozen. I have heard of twenty-five, thirty, and forty, and I have heard of one or two occasions where there have been hundreds, but I always looked upon that as the story of troops who were excited.

Question. You think they were exaggerated?

Answer. Yes, sir; like this thread-bare subject of Judge Thurlow's death here. Everybody said there were five hundred at that time. I saw them here, and I feel confident that there were over one hundred, for I counted the files of several—enough to show me that there were over one hundred, but I knew that there were nothing like five hundred. In Athens, when the officers began to take their positions under the State constitution, Judge Thurlow told me he made a demand upon the probate judge of that county, and they refused to give him up the office; and when Congress passed a law saying those who did not should be fined, they sent for him to come up there. He went there and made his demand, and they refused to give it to him, and the night they expected him back they expected him to come with troops, and everybody told me there were at least five hundred Ku-Klux there, and when the train arrived from Decatur they rushed down to it, as was supposed to make an attack on Thurlow and whoever was there to protect him; but he was not there.

By Mr. BUCKLEY :

Question. How many Ku-Klux were there?

Answer. Everybody said there were five hundred. I think the gentleman on the opposite side of the question said that as a scare, and the other side said it from excitement and fright. I suppose there were about two hundred.

By the CHAIRMAN :

Question. In what year was that?

Answer. That was in 1868, just before the office was given up to his possession. They came after him once after that, but did not get him. He was sleeping at a neighbor's house.

Question. Did he live at Athens?

Answer. No, sir; he was running a plantation down near Mooresville, and boarded in Athens. They said there were some two or three hundred of them there; they called at the house where he staid, but he got a "notice," as the saying is; he told me that some one asked him where he was living, and he told them; and they made the remark, "You had better change your abode," and he went over and staid at another house that night, and they did not find him.

By Mr. BUCKLEY :

Question. Did you ever see any disguised men in Athens while you were there?

Answer. Well, I was there from the 1st of October, 1868, until the 1st of February, 1869. I saw twelve men, on the 24th of October, ride into town about 10 o'clock; there were twelve of them, my memorandum states.

By Mr. RICE :

Question. Do you mean 10 o'clock in the day-time?

Answer. In the day-time. They had a flag, or rather a long white streamer on a pole, trimmed with red. They were dressed in a very fancy costume. When I first saw them, I thought they were in advance of some circus company, but an old negro, who was living in the country, very much excited, came up into my office, and said that was the Ku-Klux. I went down to look at them. I saw their masks on their faces. They appeared to be hail fellow well met with the citizens, and staid there, my memorandum says, over two hours.

Question. Did you see them on any other occasion?

Answer. I saw them on the day of the presidential election.

Question. What did they do then?

Answer. Lieutenant Lynch, the officer in command of the troops, came into my office very much excited. I asked what was the matter. He said, "Those infernal scoundrels had the audacity to come into town, and asked me what my instructions were." He said that he had told them he would not hold any intercourse with them, and for them to leave; and he asked me to go down. He asked me to go down stairs with him. He told me, going down, that one of them asked him if he would hold intercourse with

them through the mayor, and his remark was, "I will have nothing to do with you one way or the other." That is it as near as I can remember. This fellow in disguise then went off and saw the mayor, and they conversed some time. We got down, and then they came back and rode up to where Lynch and I were standing. I supposed he wanted to talk, and I drew to one side and went back to my office. Lieutenant Lynch told me the fellow said, "We found out from the mayor that you are here for protection, and we won't stay here. It is all right; good-bye," or something of that kind, and rode in the town, around the court-house. The court-house is situated in the center of the town of Athens, just as it is in this place. They were from the northeast corner. When I saw them they were there in the northeast corner, on the railroad.

By the CHAIRMAN :

Question. How strong were they in numbers ?

Answer. Six or eight, I think; I know there were more than five.

Question. Were they mounted and armed ?

Answer. Yes, sir; I did not see that they had arms with them at that time; if they had, they were concealed about their persons; I saw them once afterward, but I do not remember what date it was; they were in the town, some five or six of them; I think that was some of the boys who slipped out of town in the afternoon, and put on the disguises and came in; but they used to be riding through Athens constantly at night; I never saw them, for I had no occasion to go out at night; I did not know whether it was safe, and kept at home in my boarding-house.

Question. You have given the committee a great many instances of outrages in Madison, Jackson, Morgan, and Limestone Counties. I wish you to state to the committee how many men, if any, have been punished for these outrages.

Answer. Well, sir, I do not know that any one has been punished in this region of country; I have had parties up; I have brought them in town; sent for them especially before the grand juries of this county, and before the United States grand juries, and I have yet to hear of the first one being punished. I also sent men to Jackson, Morgan, and Limestone Counties, and to Lauderdale and Lawrence. Of course, after the parties complaining went into the grand jury, that is the end of my information. The negroes would come to me very frequently, and I would say to them this: "You understand that you have no right to tell me what takes place in the grand jury room, or anybody else;" and I have not heard of the case of these parties being arrested, except in two cases that were arrested upon indictment of the United States grand jury for the maltreatment of this boy, William Blair, and for the beating of a negro preacher named Dean Reynolds, over in Morgan County.

Question. What is the reason that the law has not been enforced against these men ?

Answer. Well, sir, I cannot tell you; I have been at the sheriff of this county time and again to exercise his authority, and he would say this to me: "I have nobody to protect me."

By Mr. BUCKLEY :

Question. Is it not very difficult to detect the criminals who commit these offenses in disguise ?

Answer. It is hard, of course. The negroes are so frightened they cannot tell in many instances, but in these two cases that I speak of, parties were identified; these are the only two instances that I know of in which the parties were arrested. Some time back, but lately in the United States court, through the energy of Judge Minnis, some parties have been arrested and taken up.

By the CHAIRMAN :

Question. Has there at any time been an earnest effort on the part of the community to bring these men to justice ?

Answer. I haven't ever seen it.

Question. Suppose the community had set their faces against these crimes, and made an earnest and united effort to prevent them, and punish them wherever they occurred, could they have been prevented ?

Answer. They could. I forgot to mention one fact. When this man Burns was shot, some gentlemen, Mr. Pickett and others, down at Trianna Station, did make an effort, and, I believe, had the parties arrested for that; that was in this county; that is the only successful effort that I know of that has been made. They made a great fuss about arresting these men, Vickers and Hill, but it never amounted to anything. I could hear of the men being every day right where these parties pretended to be hunting for them. The negroes they abused came to me several times, and wanted to know if they had the right to take these men up, but they said they were afraid, after they took them, to bring them to Huntsville, but if they could get white men there, they would take them and deliver them over to them; but they were afraid themselves to risk bringing them the distance from where they would take them to this place. When I was in Athens, I had occasion to see one of the influential men there, Mr. Tanner, and I plead and begged him to set his face against these outrages and come out

against them. I told him, "If you and men like you will do this, it will all stop at once;" but he would neither say aye nor nothing; he just shook his head. I know very well that if the leading men in this town would set their faces against it, it would stop; but they are do-nothings; they say nothing as far as I know. I have never heard of any bill being found against these parties, except these men, Vickers and Hill, but I have sent a great many before it.

Question. You mean before the grand jury?

Answer. Yes, sir; and I sent men over in Morgan county, and Mr. Brickle, the lawyer, said he would see that the men got before the grand jury, but I have understood that there was no indictment found by the grand jury at that term of court. Afterward, or just before, a bill was found in the United States court against the men, and, I think, the marshal told me he had had them arrested and bound over, but they have never had a trial.

Question. What have the leading, influential men in the community been in the habit of saying in respect to these outrages?

Answer. I have had but very little intercourse with the influential men here, my business not being in that line; personally, I have no intercourse with them, and I have never heard them say anything.

Question. Mr. Wager, it has been said by witnesses here that this Ku-Klux organization was dissolved in the fall of 1868. Other witnesses say in the summer of 1869. I will ask you to state to the committee your opinion as to whether that organization has ever, to this day, been disbanded?

Answer. My idea of the disbandment is this: That the original men that were first led into the Ku-Klux organization have withdrawn, but the same organization, or the same mode of treatment, has been continued by these men in disguise.

Question. Do you mean to say it has been continued down to the present time?

Answer. Yes, sir; I think that the action of the Government in regard to the North Carolina Ku-Klux affairs there, and the anticipation of this committee coming down here, has stopped any demonstration in this county. It has been my experience that the Ku-Klux always remain quiet during what is called the planting season—that is, the time of putting the crop in the ground—and remain so until the time they call "laying by the crop," and then they would commence again, and so on, until the time to put the crop in the ground again, or make preparations for it.

Question. Then these outrages are rather periodical?

Answer. Yes, sir; periodical. Long through the summer I would hear of some outrages, but my idea was that they wanted to get the crop in the ground, and anything to punish these men they would reserve until after that was done, and then, after the crop was laid by, they would commence again.

Question. They would reserve the punishment so as to not interfere with the labor of the negroes?

Answer. Yes, sir. If any dispute occurred on the plantation, between the white men and the negroes, they would let it go by for two or three weeks, saying nothing about it except, perhaps, "You will catch the devil some time," or some such expression. Then some men would come in, and either drive the negroes away or whip them, but did it in such a way that the man at whose place it was would appear not to be mixed up in doing it. That is what I drew from their statements.

Question. You have related a good many cases where negroes' houses were visited and their guns taken away from them; what was done with those guns and pistols?

Answer. I can't tell you what was done with them. I have heard from two or three negroes, but I did not find that out until since you gentlemen have been here; I made that inquiry. It seems that along in 1868, they would go to a house and ask a negro where his gun was; they knew he had one. They would take the gun and ammunition away from the negroes. They would ask the negro for his gun. The negroes generally said they had none. They would say, "You have got one. We will give you until such a day to take it to Markham's mill, and deposit it there." Several told me they had taken them there. One old man went to the mill, and he said he saw a thousand stored there. Very often they would take the guns from the negroes and break them, and they would afterward find them all broken and battered up; in a few instances that has been reported to me, but not many.

Question. What seemed to be the object in taking the guns from the negroes?

Answer. To keep the negroes from having arms about them. They would take the guns, generally, at one visit, and then if they did not succeed in getting them, the next time they would come they would whip them. They would come until they got their guns. I suppose that the object was to keep the negroes down. They thought they had no right to have guns. That is what they say to them.

Question. Did you understand from these negroes, who reported to you, that the men who visited them attempted to coerce them in their political action?

Answer. Before these laws of Congress were passed, they made direct threats and everything else of the kind to them; so the negroes reported to me; but after these acts of Congress were passed, they would do it in an indirect way.

Question. Do you refer to the civil rights bill?

Answer. Yes, sir; and the enforcement act of 1870, and the Ku-Klux bill of 1871.

Question. Do you know whether the negroes were to any considerable extent intimidated and prevented from voting in accordance with their sentiments?

Answer. Well, sir, I think there is to this day considerable intimidation among them. In fact, they have stated it to me in the region around Newmarket. I have conversed with two or three men about the election; we are just about having one now, and taking an interest in it. I have seen a good many men in the last month. I have had statements from them that they are afraid to vote at this place. They are not afraid to vote at the day of election, but they are afraid of the consequences thereafter to them for voting. This is what they state to me, and it has been generally so reported to me. The practice at the polls has been where the negroes go to vote that by some means or other their tickets would be democratic tickets. Men would ask to see their tickets, and they not being able to read their tickets, they could not tell what was on the ticket, and it could be changed, and the result would show a democratic vote; but the negroes have, as a general thing, all voted in Huntsville, just because they were afraid to vote at the other precincts. At Madison Station and Trianna some voted, but the general body of them always come to Huntsville.

Question. How largely do you think the negro vote would be increased if they were relieved of all apprehension of trouble in case they voted?

Answer. I can hardly tell. I have always contended that we have a negro majority in this county. That is my conviction; but the other side always said that they never turn out thoroughly and voted, and if they did they would beat the negro vote by two or three hundred votes. There seemed to be a good many white men in this region that did not want to vote the democratic ticket, and were afraid to vote the republican ticket, and did not vote at all. I have met several negroes in this last week who told me that they had not voted; that they wanted to vote, but were afraid to.

Question. We heard, yesterday, from a witness, that two democratic negro clubs had been formed in this county, of considerable strength in numbers. Have you any idea that the negroes in this county ever vote the democratic ticket, except under duress—under apprehension?

Answer. Well, sir; there may be some four or five men in and around Huntsville, and there may be a few scattered in the precincts, that vote that ticket willingly; but I think, take the general body of them, if they vote that ticket at all, they vote it either because they don't know they are voting the democratic ticket or by compulsion; if not direct, indirect threats.

Question. What is the state of feeling here in regard to white men coming from the North and settling in Alabama?

Answer. My understanding of the matter is, that they do not want anybody down here. If a man does come down here with plenty of money, and is a democrat and votes the democratic ticket, he is a good fellow. That is about the amount of it. But those that have not plenty of money, and do not vote the democratic ticket, I don't think they have much use for them.

Question. Are they under par here?

Answer. Well, I should judge so, sir, from my experience.

By Mr. BUCKLEY:

Question. Did you ever witness any attempt to mark citizens who voted the republican ticket and keep a list of their names?

Answer. Yes, sir; I have the honor to belong to the black-list that was published in Montgomery, that voted for the constitutional convention in 1867.

Question. Did you ever know any other attempt made by any one to keep a list of republicans as they voted at the polls?

Answer. At the presidential election in 1868, when I was at Athens, I had not been there sufficient time to entitle me to a vote, and did not vote; but I was around the polls considerably, and I saw Mr. Daniel Coleman standing at the polls with a pencil and paper in his hand, and I understood that he was taking the names of those who voted for General Grant. I went in to the election-box, and called the attention of the sheriff to the fact, and asked him whether Mr. Coleman was not within thirty feet of the polls, but he did not pay any attention to it.

Question. Do you know a gentleman in this county by the name of Moss?

Answer. I don't know whether I have been introduced to him or not.

Question. Is he a man of means?

Answer. He is said to be a man of means. He was recommended by gentlemen, and is, one of the candidates as county commissioner upon our ticket—the republican ticket.

Question. Has he been in the county for some time?

Answer. He has been here—I can't tell you how long—but two or three years. He may have been here when I came here, in 1869.

Question. Do you know whether he has purchased a couple of plantations in this county?

Answer. I only know it by rumor. He lives out in the country. I have seen him frequently at Mr. Vandeventer's hardware store, or the store that used to be Mr. Vandeventer's. I have understood that he purchased two plantations here.

By the CHAIRMAN:

Question. What is the feeling here toward native white men of the South who vote the republican ticket?

Answer. They look upon them worse than they do upon carpet-baggers—they used to, I know; that is, taking the public prints as guides.

Question. What is the feeling of native whites in regard to universal suffrage?

Answer. I have not heard them say much about it. This has been one trouble here. They want the negro to vote, provided he don't bother them. That is the idea—to put the negro off somewhere by himself, and let him have all the rights he wants there. That is my opinion of their notion of the matter. They do not want to go to the polls and vote with the negro here. They look upon him as not in a condition to vote.

Question. Are they generally in favor of negro schools?

Answer. It was not so at first, but they begin to see the advantage it is to them. The negroes rather prefer to work when their children can go to school. I think that has changed the sentiment. I have met a great many persons in the county that take an interest in the matter. After I had been here awhile there was a change made in the educational part of the Bureau, and I was appointed a kind of superintendent of education, and I saw a good many persons through the county. At that time they wanted to get money appropriated by the Bureau to assist in paying schools on their places, but it was only here and there.

Question. Did I understand you that, until quite lately, the democratic newspapers took no notice whatever, and published no account of these murders and whippings and other outrages that you have described?

Answer. They used to publish them now and then, but there were a great many that occurred that they never took any notice of, and whenever they saw anything published in the North in regard to these outrages, they always denounced them as lies and everything of the kind.

Question. You mean outrages described in the northern papers as having occurred here?

Answer. Yes, sir; in Alabama and other States. They denounced them as false. They called them radical lies and everything else of the kind.

Question. Did they attempt to cover up and conceal the offenses which were being committed here?

Answer. Yes, sir; I think they did.

By Mr. BLAIR:

Question. When were you informed that your testimony would be taken?

Answer. Last night they told me to appear this morning.

Question. Were you not notified previously?

Answer. No, sir; I do not think I was. I was notified or sent for yesterday morning to come; but yesterday evening I was notified to come this morning.

Question. Do you live in this town?

Answer. Yes, sir.

Question. Have you been here since the committee came?

Answer. Yes, sir.

Question. Have you been in the city all the time?

Answer. Yes, sir.

Question. Did you have any conversation with any member of the committee?

Answer. Yes, sir.

Question. When?

Answer. At the rooms of the committees.

Question. I asked you when it was.

Answer. The night I heard Mr. Buckley was here.

Question. The first night?

Answer. Yes, sir.

Question. How long since?

Answer. I think it was Thursday or Friday night of last week.

Question. Did you recite to him any or all of these facts that you have stated?

Answer. No, sir.

Question. Did you tell him what you could prove generally?

Answer. No, sir. He asked me if I had anything to state, and I told him a number of facts that I knew, that I had already furnished to General Crawford; and that I had given Mr. Lakin some statements, and that I didn't think I had many additional facts to state beyond those they had. I asked him what period of time the committee

would cover. He said he did not know, but he thought the committee would only cover the facts of 1870. I said that if I met with any additional facts to what I had already, I would send them; and as parties would come in to me, hearing that the Ku-Klux committee was here, I would send them up here to be examined from my office. Mr. Buckley told me yesterday—I think it was yesterday—that they wanted me to appear. They sent for me. Then he asked me to appear this morning, and I made my list out.

Question. Was there any intimation at the first interview you had with him that you would be a witness?

Answer. No, sir; he did not so intimate to me. He said if I had any facts he would like to have them. I said if any cases came under my notice, and I knew of any parties, I would send the parties to him to be examined, or to the committee.

MR. BLAIR: Mr. Chairman, I would like to have an opportunity of cross-examining this witness at the session this evening. He has been called to prove so many facts that I cannot rebut his evidence in the limited time allowed me, and the committee proposes to leave here this evening. It is, to say the least, a very remarkable thing that a witness of this kind should be called at such a late period, when the committee has been in session here for so many days, and this witness, who was at hand all the time, has not been examined until this the last day. I hope, therefore, that the further examination of the witness will be postponed until this evening, that I may have the opportunity of testing his knowledge and information by consultation with persons here. I think it is a very unreasonable thing that this witness should be produced at this time, after the determination of the committee has been arrived at to adjourn from Huntsville this evening. It leaves me no time whatever to procure rebutting evidence. The character of his testimony was known to the committee from the first day of our sojourn, and he might have been called at that time. I ask that his further examination be adjourned until this evening.

MR. BUCKLEY: I would like to ask the witness a question.

THE CHAIRMAN: You may proceed to ask it.

By MR. BUCKLEY:

Question. Please state to the committee whether or not you were notified by the sergeant-at-arms yesterday morning, at nine o'clock, that you were wanted here?

Answer. Yes, sir, I was.

Question. Did you appear some time in the forenoon?

Answer. I came in the forenoon. At the time the sergeant-at-arms came, I was at breakfast, and I wanted to make some change in my apparel before coming up. I went into my room to do that, and my wife was going out to spend the day, and I got Mr. Vandeventer's buggy, took her up to Mr. Vandeventer's as quick as I could, and I came came right here and reported; but there was another witness before me, and I came here in the afternoon.

Question. When you came in the forenoon, you found a witness who had been summoned by the minority already on the stand?

Answer. Yes, sir; they told me that Mr. Lowe was on the stand.

Question. And so you could not give your testimony?

Answer. I could not. I came up again after dinner, and then I told Mr. Green to report to the marshal that I was going over to the land-office, and if they wanted me I would be there. As I came back, I sent word to the marshal that I was going home, and would remain there at their service; and I remained all day at the service of the committee.

By MR. RICE:

Question. Were you not told by members of the committee heretofore that if General Crawford came here and furnished the information he had, your testimony would not be wanted?

Answer. Yes, sir. Prior to yesterday morning that was the understanding; that was what I was told—that if General Crawford came here, my testimony would not be wanted.

Question. General Crawford has not come, has he?

Answer. Not that I know of.

MR. BUCKLEY: I would like to state that I was informed by General Crawford's assistant adjutant general—Captain Gallagher, of this place—that General Crawford yesterday morning was still in Louisville, Kentucky, and probably could not reach here this week, and probably not until after the committee had left this place. Up to that time, so far as I am aware, no determination was had on the part of the committee to summon Mr. Wager before it. Captain Gallagher reported to me about nine o'clock night before last that that was the case. He had just received the dispatch then.

THE CHAIRMAN. The minority have the same means of cross-examining Mr. Wager that the majority have had in cross-examining Mr. Day, Captain Richardson, and Colonel Lowe, who testified at very considerable length. I do not, for myself, see that

any ground is laid why the cross-examination of Mr. Wager should not proceed, as has been the uniform custom of proceeding.

Mr. BLAIR. Well, sir, I decline to cross-examine him on the part of the minority.

HUNTSVILLE, ALABAMA, October 14, 1871.

JOHN A. LILE sworn and examined.

The CHAIRMAN. As this witness is called by the minority, I will ask General Blair to examine him.

By Mr. BLAIR:

Question. State your residence.

Answer. Trinity Station, on the Memphis road, in Morgan County.

Question. Is it this side of Decatur?

Answer. It is beyond Decatur, six miles.

Question. How long have you been employed upon that road?

Answer. For about five or six years.

Question. Have you been superintendent at that station?

Answer. No, sir, I have been merely freight agent.

Question. State, if you please, whether there was a democratic club of negroes at that station about three years ago.

Answer. It was not a democratic club of negroes; it was mixed, white and black.

Question. Was Jesse Brown a member of that club?

Answer. Yes, sir, Jesse was a member of it.

Question. Do you recollect Henry Hamlin?

Answer. I do not remember him.

Question. Do you recollect that about three years ago Jesse Brown and other negroes were whipped?

Answer. Yes, sir, I recollect it very well.

Question. By disguised men?

Answer. They said they were disguised men, and that they were whipped. I saw the marks of the whipping. I live within a few miles of the station, and that is my place of business.

Question. Why was this attack made on the negroes?

Answer. At home.

Question. Why?

Answer. I don't know why it was. I talked with the negroes. They all came to me as soon as I went down. There were different reasons; some said that I had got them into trouble by forming that democratic club. I was president of the club myself. Others said that they thought they had recognized some of the men. One boy, in particular, that was whipped, said that he thought he recognized a man that was going to see a mulatto girl that he was going to see, and he thought that was the reason he was whipped. But my opinion about it was, and it is the general idea in the neighborhood, that it was against our club.

Question. It was the intention to break up your democratic club?

Answer. Yes, sir.

Question. And by intimidation prevent these men from remaining in the club?

Answer. Yes, sir; it was about a week after we formed the club, and I had over a hundred colored members.

Question. Is that your impression about the matter—your belief?

Answer. That is my belief about it.

Question. What is this belief founded upon?

Answer. My belief is first founded upon this: It never had happened before, and we had just formed our club, and I could tell no other reason why, unless it was our club; and the negroes never would come back to the club any more.

Question. Then the negroes were of the same impression, were they?

Answer. They were of the same impression. Now, aside from the railroad hands, a great many hands were on the farms adjacent, and one man, in particular, he is the leader of the negroes in the neighborhood, and the most influential man, had a good many under his control, and he hired a good many to work, and he told me that that was the impression that they had formed, or the idea—that it was done against them because they had joined the democratic club. That was his statement.

Question. Who do you suppose did it? What persons, and where were they from?

Answer. Well, sir, we thought they were from the mountain country, the line of mountains south of us, and I felt so much interest for the negroes that I got on my horse, and got several other men to go with me, to follow the tracks and see where they came from, and we followed them several miles out in that mountainous country and came back; we did not make any discoveries. After several months there was a man

hung on the mountain there at night. Those parties were discovered. Some of them were arrested and put in jail, and the citizens around the jail were called on to guard them while in jail, to prevent their being released, and then they were sent over to Athens, in Limestone County, and they were released out of that jail. Those men were, I think, the same parties that visited our place and visited these negroes.

Question. Who were they; were they radicals or republicans?

Answer. There were some radicals and some democrats too. Their politics I don't know. I know they are a most trifling class of men. I don't know so much about their politics.

Question. They were from the mountains?

Answer. Yes, sir.

Question. Did the people in that immediate neighborhood sympathize with the negroes?

Answer. Yes, sir; certainly they did.

Question. The people in the neighborhood were what in politics?

Answer. They were all democrats. We live in the valley there; we have the negroes to work our farms, and we consider it our duty to protect them, and we have always felt that sympathy for them that they were entitled to.

Question. Brown testified here that when he was being whipped he tried to raise his head up, and was struck by a man with a spur on his foot, a heavy spur, that broke his skull.

Answer. I recollect, he told me about that. He did have a scar on the temple; he showed me where he said he was spurred on the temple.

Question. Was it a very serious injury?

Answer. It did not look so that morning. He had a handkerchief tied around his head. I pulled the handkerchief to one side and examined it. He seemed to have been cut through the skin.

Question. What did he think he was whipped for?

Answer. He said he did not know what for.

Question. He was a member of your democratic club?

Answer. Yes, sir; Jesse was a member of our democratic club.

Question. Was it well known in the neighborhood that these men were members of the democratic club?

Answer. In the neighborhood I suppose the idea was that all the negroes were joining the club. They were coming in every day. I knew the negroes in the neighborhood better than anybody else, particularly the railroad negroes.

Question. The existence of that club was well known in that neighborhood?

Answer. Yes, sir; it was well-known in that neighborhood. It was increasing very rapidly. Nearly everybody came in, white and black, and joined the club.

Question. This had the effect of breaking it up?

Answer. Most effectually.

Question. It broke it up?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What year was that?

Answer. I think it was in 1868.

Question. How long before the presidential election?

Answer. Just a short time before.

Question. This was in Morgan County, I understand?

Answer. Yes, sir.

Question. And all white settlers in that region voted the democratic ticket, I understand you?

Answer. Yes, sir; in the valley.

Question. Were there a good many negroes there?

Answer. A great many.

Question. And they were all democrats?

Answer. No, sir; I don't think they had all joined the club, not the negroes. They had been in the habit of all voting all one way, but I being a democrat, I wanted them to go my way, and I formed this club and respectfully stated the case, that I would like for the negroes to go my way and let us all go together and not be at enmity.

Question. How many negroes did you have in your service or employment, one way and another?

Answer. I don't know that I had any one. I had some living on my land. I had rented my land to them.

Question. How many negro renters had you?

Answer. I think I had about fourteen families.

Question. Did your democratic neighbors have renters likewise?

Answer. Yes, sir.

Question. Were all the negroes that joined your club the tenants of democratic landholders?

Answer. No, sir; some of them were railroad hands.

Question. Mainly tenants of democratic land-holders?

Answer. Yes, sir.

Question. What were the politics of the man or men who employed the negroes upon the railroad?

Answer. Well, sir, I do not know. President Tate, I think, was a democrat. He was president of the road.

By Mr. BUCKLEY:

Question. Do you mean Colonel Sam Tate?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Who, upon the railroad, employed the negroes? What was the title of his office?

Answer. The overseer, I reckon; the overseer of those hands.

Question. What was his name?

Answer. At that time it was Troxel.

Question. Was he a republican or a democrat?

Answer. I never knew his politics; I never learned; it seems to me I learned it afterward. I think after he lived there I learned he was not a democrat.

Question. Was it Troxel who hired them?

Answer. Yes, sir; I think so, generally.

Question. Did he remain there until after the presidential election?

Answer. Yes, sir.

Question. Was he a member of your club?

Answer. No, sir; I think not.

Question. Were the officers of the road democrats?

Answer. I do not know whether they were or not. I know the men, but never knew their politics. I suppose they were; they are nice men.

Question. What arguments did you use with the negroes to induce them to come into your club?

Answer. I used this argument: that they had been voting differently from the white people generally, and I would say, "Boys, let us all go together and be friendly, and not have any more strife among us in politics or anything else about it." They readily consented. I thought it was right that we should have no difficulties.

Question. Did you use any arguments other than you have named to induce them to vote for the ticket of Seymour and Blair?

Answer. No, sir; I don't remember that I did. I might have used some other similar arguments.

Question. Did the negroes readily fall in with your suggestion?

Answer. Readily.

Question. Had you a written constitution?

Answer. No, sir.

Question. Any ceremony of initiation?

Answer. No, sir; none at all.

Question. How, then, did they become members of the club?

Answer. In the first place we had a meeting. Mr. Wolden, from Decatur, was there. I being no speaker myself, invited him to come down and make a speech to us, white and black, and when he got through we had a list headed "Democratic Club of Decatur," and we all signed our names.

Question. Did the negroes put their names down?

Answer. They had them put down; none of them could write, I believe.

Question. Do you think they did it willingly?

Answer. Perfectly so.

Question. Do you think they were anxious to vote for Seymour and Blair?

Answer. At that time they seemed to be; but none of them did it, I understand, afterward.

Question. How large a body of men in disguise visited the negroes at the time you speak of?

Answer. The negroes thought there were some nine or ten.

Question. How many negroes were disciplined by the Ku-Klux that night?

Answer. Were what?

Question. Were whipped?

Answer. Some ten; as many as that. They were not only railroad negroes, but they whipped around in the neighborhood on plantations.

Question. How many negroes had joined your democratic club?

Answer. I don't remember the precise number; but I would state in round numbers that it was a hundred.

Question. There was, then, only a tenth part of the democratic negroes that were whipped?

Answer. I should suppose so.

Question. What proportion did you say?

Answer. About a tenth or twelfth part.

Question. Do you know whether the disguised men who inflicted those whippings were white or black?

Answer. I do not.

Question. It never has been determined to this day.

Answer. The general belief is that they were white men.

Question. And the men who were subsequently arrested and put in the jail at Athens were supposed to be a part of that gang?

Answer. Yes, sir.

Question. You said that part were democrats and part republicans?

Answer. Yes, sir.

Question. Can you give the names of the republicans who were supposed to be implicated in that gang?

Answer. There is one man by the name of West; I think he was a republican; he always passed as such in our country.

Question. Who else?

Answer. A man named Tucker.

Question. Any one else?

Answer. I don't remember the names of others.

Question. It was a mere matter of supposition, was it?

Answer. Of course.

Question. That these were a part of the gang who whipped the negroes?

Answer. Yes, sir. Some time after that there was a negro who lived in that neighborhood, who was rather a bad man, came up to our little station, on one occasion, and fell out with these two men I have just mentioned, West and Tucker. They had a difficulty about something, I don't know what, and he ran home to get his gun and come back there; and these other men went off and armed themselves; and they all left the place; and I don't know what became of them. Some week or two after that there was a raid of disguised men, I suppose disguised, went to that negro's house and surrounded it, and inflicted punishment upon him; and I thought that was done on account of the difficulty that occurred at my place.

By Mr. BUCKLEY:

Question. You think that was a personal matter?

Answer. Yes, sir, I think that was a personal matter.

By the CHAIRMAN:

Question. Who was this man that was hanged?

Answer. Sapp.

Question. A colored man?

Answer. No, sir; a white man.

Question. What was he hung for?

Answer. I don't know, sir.

Question. Are those the only instances of visitations by the Ku-Klux, so called, that you know of?

Answer. No, sir.

Question. What other instances have fallen under your observation?

Answer. I have mentioned two cases, I believe?

Question. Yes, sir.

Answer. There was a case of an old man who lived on my plantation, who was taken out and murdered, killed, one Saturday night, and I suppose it was done by disguised men. I talked with his children about it next day and they said they had something over their faces. There were five men only in that crowd.

Question. When did that occur?

Answer. That occurred about three years ago.

Question. Do you know the cause for which he was hung?

Answer. I never could ascertain.

Question. He was a colored man?

Answer. Yes, sir. The old man had made nine bales of cotton that year, and had brought it up to my little place of business that day; and he was around about the store helping me move freight and one thing and another during the day; and my supposition was that they believed that he had sold me his cotton that day and had the money, and that they thought they would get the money.

Question. Do any other instances occur to you?

Answer. That is all I know of.

Question. Did you hear of outrages in other parts of the country by the Ku-Klux Klan that year?

Answer. Yes, sir; all over the country.

Question. Were they very numerous?

Answer. Yes, sir.

Question. What was the character of the outrages they committed?

Answer. Mostly robbery.

Question. Any whipping?

Answer. Yes, frequent whipping.

Question. Any assassination?

Answer. Yes, of course. About three years ago I could hear of assassinations frequently, all over the country.

Question. Have you heard of any late disturbances in that part of the country?

Answer. None at all, sir. We have been quiet for two years.

By Mr. RICE:

Question. How long had this club been organized before this whipping took place?

Answer. Just about a week.

Question. How far from this neighborhood were these men living who were supposed to have done it?

Answer. If our suppositions were right they lived seven or eight miles.

Question. Out in the mountains?

Answer. Yes, sir.

Question. Was there some idea on the part of the colored men, owing to the number of outrages that were being committed, that it would be safer for them to be in a democratic club than not to be in it?

Answer. No, sir, I don't think that that was their idea.

Question. Was there no apprehension of danger to those who were acting with the republicans?

Answer. No, sir, I think not. I think that they just joined the club through friendship for me.

By Mr. BUCKLEY:

Question. Do you recollect the name of this old colored man who was killed on your place?

Answer. Yes, sir; Isaac Gibson.

Question. What was his character; was he an industrious old man?

Answer. Yes, sir; an industrious old man; I had heard that he was disposed to be insolent, but I never thought so.

Question. He had made a good crop, had he?

Answer. He had made a good crop.

Question. Are the negroes in your section of country behaving very well now?

Answer. Very well.

By Mr. BLAIR:

Question. You say you followed the track made by these men?

Answer. Yes, sir, the horses' track; what I suppose was their track. There seemed to be a good many tracks.

Question. You followed them as well as you could in what direction? They went out South toward the mountains?

Answer. Yes, sir; the mountains come up close to our place, within half a mile of the railroad.

Question. You followed them how far?

Answer. Two or three miles.

Question. You were satisfied that that was the track made by that party?

Answer. Yes, sir, I was satisfied of that, there being so many horses' tracks from there, and together.

Question. In the mountain region, right adjacent to you, the population were mostly republicans?

Answer. Yes, sir.

Question. Did that circumstance influence your opinion as to who the marauders were?

Answer. O, yes.

Question. That, together with the circumstance that these men were all in the democratic club who were whipped?

Answer. Yes, sir. I knew very well it was none of our own people there. The people in our neighborhood get along well with the negroes. The negroes are not troublesome to us, and we are not troublesome to the negroes. We benefit each other; mutual benefit.

Question. You were satisfied that that was the disposition in the immediate neighborhood?

Answer. Yes, sir, I am well satisfied of that fact.

Question. And it has always been so?

Answer. Yes, sir; that has always been the case.

Question. Do you know that the persons living in the direction that you have men-

tioned which these men took that night after they left, and some of whom were subsequently arrested for the murder of Sapp, had any animosity toward those negroes other than that they were in a democratic club?

Answer. Yes, sir; there is a class of men, well known to southern people, who always hated the negro before the war, and they hate him yet. They never owned slaves themselves, and they never knew how to sympathise with or to take care of a negro. Now, my negroes on my plantation I owned before the war. I take care of them yet. They cultivate my land. I rent my lands to them. They get me to transact all their business. I still have a feeling of regard for them that other men do not have.

Question. What class of men is this of whom you spoke?

Answer. The ignorant, poor white men.

Question. Men who are renters of land, or owners of land?

Answer. If they work at all they rent.

Question. Where do they live generally?

Answer. They generally live out in these barrens.

Question. In the mountains?

Answer. Yes, sir.

Question. Are those men now democrats, generally?

Answer. It is mixed up; some are radicals, some democrats.

Question. They all alike have this prejudice against the negroes?

Answer. That is my idea, sir.

By the CHAIRMAN:

Question. About what is the proportion of those men living in the mountains whom you have described in their political divisions; are there more democrats or republicans?

Answer. I expect they are pretty well divided.

Question. Did you trace their tracks up to their houses?

Answer. No, sir. If I could have done that I could have taken some steps to have had them prosecuted.

Question. You do not know, then, but what they may have come by that route from some considerable distance?

Answer. No; that is so.

Question. Did they tell the negroes what they were whipping them for?

Answer. I don't remember, sir. It has been a long time, and never being expected to be called on about it again I have forgotten it.

HUNTSVILLE, ALABAMA, October 14, 1871.

ARCHIBALD JACKSON STEELE sworn and examined.

By the CHAIRMAN:

Question. Please to state your age, place of residence, and occupation.

Answer. I am a preacher, or have been when I was able to preach; I am not now able to. I live in this county, twenty-two miles due north of this. I am now in my seventy-second year.

Question. How long have you lived in Madison County?

Answer. Since the year 1853.

Question. Do you live in a village, or in the country?

Answer. In the country.

Question. Do you manage a plantation?

Answer. Yes, sir.

Question. Do you employ any colored men upon it?

Answer. Yes, sir.

Question. I will ask you to state if you have ever been visited by any bands of men in disguise?

Answer. Yes, sir.

Question. How many times?

Answer. Well, I reckon, some five or six times.

Question. You may begin with the first time and state to the committee when that was.

Answer. I do not believe I can do that, it has been so long back. My memory is very treacherous now-a-days. I have been long affected with chronic diarrhœa, and it has affected my memory mightily. I cannot tell how long back, but since the war; but I cannot identify the year.

Question. When they visited you at the times of which you speak, what did they announce was their object or motive in the visit?

Answer. They declared themselves friends to the white men and black men both; did not interfere with anything or anybody. They just came in the yard and rode around the house and rode off. All their first visits were of that character.

Question. Were those visits in the day-time or at night?

Answer. At night.

Question. Did they make any inquiries in relation to your negroes?

Answer. Not at those visits.

Question. Did they ever take away any guns from your negroes?

Answer. No, sir.

Question. State if within the last month there has been any visit of disguised men to your plantation?

Answer. In August last, on the 23d of August, 1871, there was a visit of disguised men there.

Question. What was their object?

Answer. From what they did, their object seemed to be to abuse the darkeys that lived with me.

Question. What did they do?

Answer. They arrested the darkeys in the cabins where they were peaceably and quietly asleep, took them prisoners, took them to the woods and beat them unmercifully, and then made them start and run off from them and shot at them, and shot one of them. They shot at three of them, and the other one they did not take to the woods. There were four boys, or four men. They shot one in the left arm near the shoulder. I have got the bullet here that the doctor took out of it. [The witness produces and exhibits a bullet.] I thought maybe it was right to bring the bullet along.

Question. The doctor took that out of the colored man's arm?

Answer. Yes, sir.

Question. Was this visit you have described in the night-time, this last one?

Answer. Yes, sir.

Question. At about what hour of the night?

Answer. I could not tell, for I was asleep. It was after midnight when I was notified about it. They took them to the woods and abused them very much. They were not able to work for a week.

Question. What was the offense of the negroes?

Answer. Well, there was a white stranger came into the neighborhood, and an old maid had a vacant house, and he got leave to go into that house and stay a few days, he said, to look around, so she says—I know nothing about this now—that he might find a home somewhere in the community. I saw him pass my house, but I see so many strangers I pay no attention to them. He came among my darkeys, and one young negro, that did not belong to my negroes, had a banjo; he was a visitor. He got him to go over to the house where he was and play the banjo for his wife, and also that the boys should go along and dance, as she had never heard a banjo nor seen a dance. The boys, without thinking any harm, walked a quarter of a mile over to the cabin and had a banjo-playing and a dance, but did not stay long. When they started back a man met them and knew them very well, and told them it was a good thing they left, because a company was making up to beat them and maybe would kill some of them. That was on Saturday night, and on Wednesday night this thing occurred. Now, if you want the character of these boys I can tell you, if this is the place.

Question. I will come to that directly. Did these disguised men tell these boys at the time, that they were whipping them for having violated this white man's house and for having played the banjo and danced?

Answer. I cannot say as for that. I do not know that I have heard the boys say. I do not know that I have heard them say what they said they were abusing them for. Yes, I did hear them say this: that they told them it was for associating with white people. But if they were, they were invited to the association.

Question. How many disguised men were there in this gang?

Answer. Five, so they said. Now I am talking on hearsay.

Question. Did they come on foot or on horseback?

Answer. It seemed some were riding and some walking, as far as I have learned.

Question. Now you can go on and give the character of the colored men who were whipped. Give their names in the first place.

Answer. Henry Johnson has lived with me these four years, and is a young man, married, in his house; he lived with me, and we have never had cause to give him a cross word, and there has never been a cross word passed to him in the four years together. He has been as punctual to the article of writing as any man could be. He has never derogated to any extent at all, in any way. He is peaceable and quiet, and never steals from anybody, and is not saucy. I have a right to know. It has been going on four years that he has sustained as good a character as any man I know with me and my family and the neighborhood. As far as I know he has never been charged with anything. Peyton Lipscomb is another. He has been living with me this is the third year. I have never had a cross word with him, nor my boys. He don't go out

in the neighborhood on rows, attends to his own business, stays at home, steals nothing from anybody, that I know of, and behaves himself like a gentleman.

Question. You say he is an old man?

Answer. Yes, sir.

Question. Give the names of the other two.

Answer. Washington Strong. Wash has been living with me this year only. He is a very good boy. We have had no disturbance with him; never give him a cross word; got along easily with him. It is only necessary to tell him what to do, and he goes and does it pleasantly.

Question. Was he the one who played the banjo?

Answer. No, sir; it was a different negro; one out of the neighborhood; a visitor.

Question. Was there not one named Anthony Steele?

Answer. Yes, sir. Anthony was a boy I owned before the war some years, and is still with me; a good boy. He behaves himself prudently; he don't get drunk or have fusses with anybody, black or white people, and all that is necessary is to tell Anthony what to do and he does it cheerfully and pleasantly.

Question. Have any of these disguised men that inflicted this whipping been punished?

Answer. Not that I know of, sir.

Question. Which one of these men was it that was shot?

Answer. Peyton Lipscomb.

By Mr. RICE:

Question. The old man?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know why he was shot?

Answer. I do not, except that I think it was because he went over there along with the crowd to the house where they were invited.

Question. Did you hear of this gang or any other committing any other mischief on the following night?

Answer. Yes, sir. I will tell you about that.

Question. Very well; go on.

Answer. They visited a negro, a neighbor woman, a white woman's house before that, and that night too, but before that, and tore up her house and broke all her things, her looking-glass, &c. The same night five men were there and attempted entering her house, but they defeated it.

Question. The same night your boys were whipped?

Answer. Yes, sir; and that same night they attempted to enter a poor white man's house; but he met them at the door with an ax and told them the first man that put his foot in he would split his head, and he stopped them. The day after this occurred I went down, hearing from the darkeys that they had been at the widow woman's house and this other house, to see what they did, and if they could identify any of them, and they were excited very much, they talked as though they could; but since I have been subpoenaed I thought I would go and see, and now they say they cannot tell; they think they know, but they cannot identify them.

Question. How many did they say were in the crowd?

Answer. Five.

Question. You suppose it was the same men who visited your negroes?

Answer. Yes, sir; we all believed that, but who they are we cannot tell.

Question. What complaint had they against the widow?

Answer. I did not learn that.

Question. Did you learn what their complaint was against the poor white man?

Answer. No, sir; I did not. I think they were drunk, and just wanted to have sport out of the misery of others.

Question. Was his name Johnson?

Answer. No, sir.

Question. Do you know anything of a man named Johnson having been abused by the Ku-Klux?

Answer. None but this black boy, Anthony Johnson. As this is going on—may I talk a little and tell you how this has been going on back for a time?

Question. Yes, sir, you may do so.

Answer. It has been going on about twenty months. During the war we had complete peace and quietude except when both armies were on us, as a matter of course; but the neighborhood was quiet and the darkeys faithful and true as men or women could be; but now about twenty months this woman I speak of, who had this house, she owned a little piece of poor land—I do not know of any other cause—they commenced on her in disguise and drove her from her house.

Question. What was her name?

Answer. Campbell. I think they intended to drive her from her house and land and take possession of it. They continued on, and after a while they assailed some people in the barrens of their own stock. They are quite a poor, low-down, uncultivated people, living in poor country, and they whipped two of them up there in a raid around. I don't know why, but they did it. They continued now troubling this woman, coming in disguise and throwing rocks on her house, and came into her house and to her bed where she was lying. I am the only man living there that sympathized with her. She would come to me and tell what they did. I would tell her, "Miss Becky, they will not hurt you." She thought they would kill her. I would say, "They are just deviling and plaguing you; don't get scared." She is a mighty brave woman, but I found she was getting scared the way they were treating her. It went on until a young man came there in disguise—he is here in jail in town—and he struck her on the head with a double-barreled shot-gun and liked to have killed her; and still it has been going on, as you see, until the present time, and we that are civil and belong to civil society and want to be white people have become afraid, to tell you the truth. We don't know what night we are to be invited out and whipped.

By Mr. BLAIR:

Question. What was the name of that young man that struck her with a gun and who is living here in town?

Answer. He is in jail here.

Question. What is his name?

Answer. Yarbrough.

Question. Is he here on the accusation of striking this woman?

Answer. Yes, sir; in disguise.

By the CHAIRMAN:

Question. How large was the party that struck this woman?

Answer. Just two of them, but only one that came into the house; the one that struck her.

Question. Did you ever hear of a Mrs. Lindsay who had been whipped for marrying a Union man?

Answer. That is the name of this widow woman that I could not tell you who they were that went to the door of her house and broke her glass.

Question. She is a different woman from Mrs. Campbell?

Answer. Yes, sir.

Question. Tell us the particulars of what they did to Mrs. Lindsay?

Answer. They went in and tore up her looking-glass and house and dresses. She is a mighty poor woman.

Question. What did they do this for?

Answer. I don't know; I never asked her.

Question. Had she married a Union man?

Answer. Not that I know of. O, no, sir, she is a widow. It is strange the way this all has occurred. We are all Union. These bad fellows up there and me, we got through the war like brothers; we are Union men. I cannot see anything they abused these negroes for except to drive them off of my place so as to get to cultivate it. I have a pretty large farm. My doctrine is that a man that never worked is going to make nothing for anybody else. I tried one of them. I rented him forty acres of land and he brought me nine barrels of corn. I have been always used to negroes, was raised with them, and I prefer to have the colored people cultivate my land. I have more confidence in them than I have in a white man that has never made anything for himself.

Question. You do not know who it was, in point of fact, that did whip your negroes?

Answer. No, sir.

Question. This is just a matter of suspicion of yours?

Answer. That is all.

Question. Nobody has been arrested for this outrage upon your negroes?

Answer. No, sir; because it would be guess-work pretty much, you know, and that would not do.

Question. Do you know of any like disturbance occurring at New Market, six or seven miles from you?

Answer. No, sir.

Question. Have you stated now all the outrages that have come to your knowledge—all that you can remember?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. You stated that you were a minister of the Gospel, I believe?

Answer. Yes, sir.

Question. In connection with what church?

Answer. The Cumberland Presbyterian Church.

By Mr. BLAIR :

Question. You stated that you were a Union man during the war ?

Answer. Yes, sir ; born and raised one.

Question. And all your neighbors up there ?

Answer. That is, just about my place.

Question. Those men whom you suspect of this transaction ?

Answer. Yes, sir ; and I am surprised at them, for I have sustained them. I will tell you how I was raised. I was raised in South Carolina by my old father, and was taught, first, to reverence my God ; second, the Bible ; third, the Constitution ; and fourth, the Union—to regard all these things as sacred ; and I commenced the war, gentlemen, in that way, and I came through that way, and I am at it to-day. My old father smelt gunpowder in 1776 through that war ; and when we were talking about fighting here, I begged our men let us keep the flag of our fathers and set our foot upon the staff, and if we have to fight, fight for our rights in the Constitution and under our old flag ; never give up the flag of our fathers, and never give up the Union, die by it ; and I told one of them, if you will do that, I am old and worn out, but as my father fought for that flag, I am willing to go as far as life and strength will last to fight under it while I may live, but I will never turn my back on it, I will die first.

Question. All of your neighbors sympathize with you in your Union sentiments ?

Answer. Yes, sir ; that I speak of.

Question. You think these outrages were committed by people in your own immediate neighborhood ?

Answer. Yes, sir ; that stock, too ; not political things, not a bit of that in this, just bad fellows. I think they wanted to drive the negroes from my land and get it. They got drunk and did this to these poor white people, to devil them and have some fun, but if they could be found I think they ought to be punished pretty badly for it.

Question. Is this man Yarbrough a neighbor of yours ?

Answer. No ; he lives some two or three miles, or his father does, from me.

Question. Was he of the same sentiments ?

Answer. His father was. He is a young fellow, a green young fellow, raised, poor fellow, not as good as the most of our southern negroes. He never was taken to church, had no moral education nor no legal education.

Question. Among that class of people in the South, were they not, and are they not, hostile to the negroes generally ?

Answer. O, yes, sir ; and to their masters, too, generally, that is so.

Question. There has been existing, from all time, a feud between that class of white people and the negro, before the war and since ?

Answer. Yes ; that is my impression.

Question. Did they consider themselves aggrieved that the negro lived upon the best land of the country, and took it up from them ?

Answer. That is what I think ; and there have been several attempts made, not of this desperate character, though, to get the darkeys off of our land where I live.

By the CHAIRMAN :

Question. Do these poor white men that abused the negroes and whipped them in this manner, vote the democratic ticket ?

Answer. No, no ; I hate that, but I must tell the truth.

By Mr. RICE :

Question. What is your politics ?

Answer. I am a Union man.

Question. Are you a republican or a democrat ?

Answer. I am a democrat ; for the Union and the Constitution ; the old flag, let me see it flutter. I think of my old father then.

By the CHAIRMAN :

Question. Do I understand you to say that you vote the democratic ticket ?

Answer. No, sir ; but I am a democrat in principle. I will not deny my principles, gentlemen.

HUNTSVILLE, ALABAMA, October 14, 1871.

ANTHONY STEELE (colored) sworn and examined.

By the CHAIRMAN :

Question. Where you do live ?

Answer. Up here above New Market.

Question. On the plantation of the Rev. A. J. Steele ?

Answer. Yes, sir.

Question. Have you been visited lately by men in disguise and whipped ?

Answer. I have been visited, but I have not been whipped. I happened to get out of the way.

Question. When was this?

Answer. It was in July, I believe, as far as my recollection goes.

Question. How many men were there came after you?

Answer. Five.

Question. How were they disguised?

Answer. They had on white.

Question. White what?

Answer. White cloth.

Question. Did it cover their bodies?

Answer. Yes, sir.

Question. Did they have any covering upon their heads?

Answer. Yes, sir; they had things hanging over their heads like mule's ears.

Question. So you could not see their faces?

Answer. No, sir.

Question. Were they on foot?

Answer. Horseback.

Question. Were their horses disguised?

Answer. Yes, sir; one or two of them were.

Question. Did you know any of the horses?

Answer. No, sir; I couldn't see them; it was dark.

Question. How late at night was it?

Answer. Between midnight and day.

Question. You may state the circumstances of their visit to you and what they did.

Answer. And what for?

Question. Yes, and what for.

Answer. Well, there was a gentleman there in the neighborhood, and one of the boys in our house was a banjo-picker, and the old gentleman came by our house on a Saturday evening and heard the banjo. One of them there was playing and the other one was playing marbles. He stopped a few minutes and listened to the banjo, and then he hired this fellow to go over and pick the banjo so that his wife could hear it. Then when he went over to this gentleman's, a parcel of us boys went with him for company, about three-quarters of a mile from our house. When we started back from there, we met a man, and he says, "Boys, where have you been?" We told him we had been over to this gentleman's house that was camped over there. He was only a camper; he had been traveling, moving. He says, "Boys, don't you know that was wrong?" We told him no, sir, we didn't know it was wrong to go and see fun; it was the first time I ever knew fun was wrong; I didn't know it. He says, "Yes, you did; you know the laws of this country don't allow black and white to mix." I says, "We didn't mix; we only went over there to see some fun."

Question. What was the name of the man who told you this?

Answer. Campbell.

Question. Where does he live?

Answer. Two or three hundred yards from where we were picking the banjo.

Question. What does he follow?

Answer. Farming.

Question. A renter?

Answer. No, sir; he owns a little piece of land out in the barrers.

Question. Does he work or employ colored men?

Answer. No, sir.

Question. Go on with your story.

Answer. I told him we hadn't been mixing with them, only went out for a little fun; that the man hired him to come and pick the banjo, and we went for company; we didn't know we had done any harm. He says, "Well, you have, and if you hadn't left pretty soon we were just coming on you to whip and kill out the last damned one of you."

Question. Was Campbell a democrat or a republican?

Answer. I don't know what he is.

Question. Had he been in the army during the war?

Answer. Yes, sir; he had been a little. He staid in a month or two, I think.

By Mr. RICE:

Question. Which army?

Answer. He had been in the southern side.

By the CHAIRMAN:

Question. He was in the confederate army then?

Answer. Yes, sir.

Question. Had he deserted, or what was the cause of his leaving?

Answer. He got scared and ran home.

Question. Did he make any threats as to what would be done to you colored people for visiting that house?

Answer. No, sir; only if we hadn't left as soon as we did, they were just coming on us to whip and kill out the last one of us; that was all the threat that was made.

Question. Was this in the day-time or at night?

Answer. Saturday night.

Question. What followed after that?

Answer. On Wednesday night the disguised men came on us and took us out; took out three and whipped them, and shot at all three of them, and shot one of them, and I run. I went out by the floor—I had only a punchcon floor—and went out through the house, and run off, and run against a little crib I had, and pretty near bursted my head open.

Question. So you escaped?

Answer. Yes, sir.

Question. When you came back, how did you find that the other boys had been treated?

Answer. I found that they had been whipped pretty badly.

Question. How long were they laid up?

Answer. Peyton was laid up a month, and the other boys only three or four days.

Question. Did you see the men?

Answer. Yes, sir; they caught me. After I run against the crib and knocked myself down, I couldn't raise to get away any more before they come on me and caught me. Then I swore I was not there. I swore a solemn oath.

By Mr. RICE:

Question. That you were not at the house where the banjo was played?

Answer. Yes, sir; I did it to keep from being punished. They made me hold up my hand and swear.

By Mr. BUCKLEY:

Question. You took the oath they administered to you?

Answer. Yes, sir.

By the CHAIRMAN:

Question. But you did not swear the truth?

Answer. No, sir.

Question. You did not consider yourself under obligation to tell the truth under those circumstances?

Answer. No, sir; not that night I didn't.

Question. What was the name of this man that was shot?

Answer. Peyton Lipscomb.

Question. What was he shot for?

Answer. I cannot tell you.

Question. Did they whip him also?

Answer. They whipped him, and gave them all three ten steps to run, and then they shot.

Question. How many pistols were fired off?

Answer. Three.

Question. And he was the only one wounded?

Answer. Yes, sir. The other boys, Wash Strong and Henry Johnson, when they got their ten steps, and they told them to run, they run right out in the bushes; but the other one was an old man, and he couldn't run fast, and they put it to him; he just kept running right on up the road.

Question. Have you any idea who these disguised men were?

Answer. No, sir; because it was in the night, and they had on things I never had seen before. There never was any at my house; they were the first I had ever seen. I cannot have any idea who they were.

Question. Did they tell you where they came from?

Answer. No, sir; they never told me where they came from.

Question. Have you ever seen any disguised men except them?

Answer. No, sir; I never saw any except them.

Question. This happened in Madison County?

Answer. Yes, sir.

Question. And last summer?

Answer. Yes, sir; this fall. It was in August, I think; about the middle of August, as far as my recollection goes.

By Mr. RICE:

Question. How long have you been living upon that place?

Answer. Two years Christmas.

Question. The coming Christmas?

Answer. Yes, sir.

Question. You were not down where they were whipped?

Answer. No, sir; they left me at the house. They swore me to stay there until daylight, and if they caught me away from there that my house would be roused with fire.

Question. Did you see the horses?

Answer. Yes, sir; but they were talking to me so that I could not look at the horses. They kept me busy talking.

Question. You did not recognize the voices of any of them?

Answer. No, sir.

HUNTSVILLE, ALABAMA, October 14, 1871.

PEYTON LIPSCOMB (colored) sworn and examined.

By the CHAIRMAN:

Question. Have you ever been visited by men in disguise?

Answer. Yes, sir, I have.

Question. More than once?

Answer. Not more than once since I have been living in Alabama.

Question. Before you came to Alabama, were you?

Answer. Yes, sir.

Question. Where?

Answer. In Tennessee.

Question. In what county in Tennessee?

Answer. About five miles this side of Salem.

Question. In what year was that?

Answer. It was the second year I came home; I was out in the Army.

Question. Were you in the Union Army during the war?

Answer. Yes, sir.

Question. What did they do to you?

Answer. They abused me very bad; they whipped me.

Question. How large was the company?

Answer. There were four of them together.

Question. Were they disguised?

Answer. Yes, sir; all of them were disguised men.

Question. Did they tell you what they were whipping you for?

Answer. Well, they whipped me for voting, for one thing.

Question. Did they tell you how you had voted—on which side you had voted?

Answer. Yes, sir.

Question. Which side was that?

Answer. They said I had voted on the North side.

Question. They whipped you for that?

Answer. Yes, sir.

Question. Did they tell you you must vote after that?

Answer. They said, if I could not vote on the other side, I must not vote at all.

Question. Did you see any of the Ku-Klux after that?

Answer. Yes, sir; since I have been living in Alabama, which has been about a month, I reckon, they came and visited me again.

Question. What did they tell you this time?

Answer. Well, they whipped me and took me out. They didn't say anything more against me, only about a man that came in—moved in—a new comer. We boys were there in the evening, picking a banjo. He came along, and asked us to come down there to his place in the evening and pick the banjo, in connection of his wife hearing of it; that she never heard one, and she would like to hear it. We agreed to come after so long a time. He told us there was no harm in it, and we didn't think there was any, and we went down there, and as we passed by a certain house they hailed us, and asked us where we were going, and we told them a gentleman had asked us to go over and pick the banjo, and his wife wanted to hear it, and they made a mighty 'miration [admiration] that we was going.

Question. Who was this gentleman?

Answer. Mr. Campbell.

Question. Had he been in the war?

Answer. He might, as far as I know.

Question. Did he own a plantation near there?

Answer. Yes, sir; he lived on a plantation not far from where we went up to pick the banjo that night.

Question. This was Wednesday night, was it?

Answer. No, sir; it was Saturday night.

Question. What occurred on the Wednesday night following?

Answer. Wednesday night?

Question. I mean the night when you men were whipped ?

Answer. O, he shot me that night, after whipping me.

By Mr. BLAIR :

Question. Who shot you ?

Answer. One of the men whipped me, and then shot me too, in this arm ; my left arm.

By Mr. BUCKLEY :

Question. What time of night was it ?

Answer. I reckon it was near about midnight, or not that late.

Question. Where were you when they found you ?

Answer. I was in my house, and they took me out of my house.

By the CHAIRMAN :

Question. Did they break in ?

Answer. No ; when I discovered them being there, I heard the whistles, and they were surrounding the house, and there was a man poking his pistol in the window, at each window ; there were two windows to the house ; and they told me to come out or they would shoot in the house, and I went out. When I went out, he caught hold of me and walked me out in the road, and the other man in there he did the same way ; they ordered him to come out.

By Mr. BUCKLEY :

Question. What was his name ?

Answer. Washington.

By the CHAIRMAN :

Question. Washington Strong ?

Answer. Yes, sir.

Question. What did they tell you they wanted to do with you ?

Answer. They didn't say what they were going to do with me at all. I told them I hadn't done anything. They told me to come on, he had something to do with me.

By Mr. BUCKLEY :

Question. Go on, and tell what they did with you.

Answer. After they took me out, they took me up the road, I reckon it was about a quarter, and there they halted and stood about awhile, and then got hickories and whipped me.

By the CHAIRMAN :

Question. How many licks did they give you ?

Answer. I couldn't count how many ; they gave me a good many.

Question. Did you have your coat on ?

Answer. No, sir ; they took everything off.

Question. How many whipped you ?

Answer. There didn't but one man whip me. He made me get down on the ground, and he whipped me there ; as well as I could tell, fifteen minutes, as hard as he could ; and then another one came up and whipped me again.

Question. Were the other colored people also whipped, who were there ?

Answer. Yes, sir ; they whipped the other two men that were there with me.

Question. Did they tell you there what they were whipping you for ?

Answer. They said it was for picking the banjo for that man. They said the laws of the country didn't allow black and white to mix together.

Question. When was it they shot you ?

Answer. They shot me on that Saturday night.

Question. You mean on this Wednesday night ?

Answer. Wednesday night ?

Question. After they whipped you ?

Answer. Yes, sir ; after they whipped me they shot me.

Question. Did they tell you to run ?

Answer. Yes, sir ; they started me off to run. I reckon I hadn't got as far as from here to that window when they fired.

Question. And they fired upon you ?

Answer. Yes, sir.

Question. Have you been living upon that place since ?

Answer. Yes, sir, I have been living there since.

Question. Have you ever been troubled by them since that time ?

Answer. No, sir ; I never saw any of them.

Question. Has anybody ever been punished for this violence upon you ?

Answer. No, sir; not as I heard of.

Question. Has nobody been arrested?

Answer. No, sir.

By Mr. RICE:

Question. Do you vote every year?

Answer. I have not voted since that year.

Question. The first year you were whipped in Tennessee?

Answer. No, sir.

Question. Why did you not vote?

Answer. Well, I was afraid to vote.

Question. Which way would you have voted if you were not afraid to vote?

Answer. Well, I should vote on the same side as I voted before.

By the CHAIRMAN:

Question. And that was the republican ticket, as I understand you?

Answer. Yes, sir.

Question. Is that the way all the colored people feel and talk?

Answer. I don't know whether that is the way they all feel, but all that is interested, as I was, would do the same way.

By Mr. RICE:

Question. Do you know which way this man Campbell votes?

Answer. No, sir; I was not where he votes.

Question. Do any of the colored men on your place there vote?

Answer. Not any that I know of. None of them has voted since I have been living there.

HUNTSVILLE, ALABAMA, October 14, 1871.

HENRY JOHNSON (colored) sworn and examined.

By the CHAIRMAN:

Question. Do you live on Mr. Steele's plantation?

Answer. Yes, sir.

Question. Did you ever see any Ku-Klux, or men in disguise?

Answer. Yes, sir; I have seen men in disguise.

Question. Did you ever see them more than once?

Answer. Five or six times.

Question. Where first?

Answer. At the widow Walker's, right there close to Mr. Steele's.

Question. How long ago was that?

Answer. That was year before last.

Question. What were they doing?

Answer. They never did nothing; they said they just came to look that night.

Question. How many were there?

Answer. Ten or twelve; I don't know how many.

Question. Were they on horseback?

Answer. Yes, sir.

Question. When did you see them next?

Answer. I saw them about a month ago now, I think.

Question. Where?

Answer. At Mr. Steele's.

Question. Was that the time you were whipped?

Answer. Yes, sir.

Question. Go on and tell us all about it.

Answer. Do you want me to tell every bit?

Question. Yes.

Answer. I will tell you the whole obligation of it now. I went, we boys went, out to a man that had been living in a house—he rented the house—and one of the boys, Wash Strong, was picking the banjo; and he hired Wash to pick the banjo, and we went. He kept at us to go with him, and we went out with him and staid there a right smart while, and broke up and started on home. We didn't sauce or pester anybody, or say nothing out of the way; and we met a man as we started home, and he said he started there to tell us to leave there, that it would be better for us. He said he was just going there to whip us all out.

Question. What for?

Answer. Just because we went there with that man.

Question. Was this Campbell?

Answer. Yes, sir, Aleck Campbell. He just as good as told us if we hadn't got away as soon as we did, we all would have got whipped; but we had started.

Question. This was Saturday night?

Answer. Yes, sir.

Question. Tell us what took place on the Wednesday night after that.

Answer. Well, I call them Ku-Klux; they came there; they came to my door. There is two doors to the house; they came on that side. I was in the room. I have a fashion always to set a chair against my door. I didn't think of them. They just run in and pushed my door, and I had to go and kindle up a light. They had their pistols on me. While I was kindling up the light, Anthony, that was in here just now, got out—Anthony Steele—and they run in, and I couldn't do nothing. My wife was in the family way. I couldn't do nothing, and I just stood and took it. I couldn't help myself no way.

Question. What did they do to you in your house?

Answer. They didn't do nothing in the house except to take me out; and they took me off and whipped me.

Question. How many licks did they give you?

Answer. I don't know, sir; I reckon about twenty, to my knowledge.

Question. Did they make you lie down?

Answer. Yes, sir, on my back; they made me and Wash Strong both lay on our backs, and while they were whipping us they put their pistols right here to the forehead, and had them cocked on us both.

Question. Did they tell you what they were whipping you for?

Answer. They said, "The next time you want a dancing frolic, you come to my house." We never said nothing, but just stood there. When they got through whipping, they told us to get up and put on our clothes, and we did so; and they told us first to jump. I reckon I run as far as from here to the back side of the house over there; and one of them said, "Shoot;" and when he said that, I run out of the road, up in the woods.

Question. Did they shoot?

Answer. Yes, sir, they shot.

Question. How many shots did you hear?

Answer. I heard them shoot three times.

Question. You were not hit?

Answer. No, sir; I was not hit with any ball.

Question. You have told the committee of two occasions that you saw the Ku-Klux?

Answer. Yes, sir.

Question. You may tell of any other occasion that you saw them.

Answer. No, sir, I never saw them any more.

Question. I thought you said you had seen them five or six times.

Answer. I just meant twice. I always try to tell the truth, as far as I know.

Question. How long have you been living with Mr. Steele?

Answer. Going on four years, I think.

Question. Where did you live before that?

Answer. At Jimmy Johnson's.

Question. Was that in Madison County?

Answer. Yes, sir. They troubled me there at his house.

By Mr. RICE:

Question. Were those men disguised who whipped you?

Answer. Yes, sir.

Question. Were those men that you saw before that disguised?

Answer. Yes, sir.

Question. Were the disguises these last ones had similar to those on the other party you had seen before?

Answer. Yes, sir; they were disguised.

Question. But were they disguised in the same way?

Answer. Yes, sir.

Question. Had they the same kind of hats?

Answer. Yes, sir.

Question. And the same thing over the faces?

Answer. Yes, sir.

Question. Were the horses disguised?

Answer. Yes, sir.

Question. All of them?

Answer. One I don't think was; to my knowledge I don't think it was. They would not allow me to look at them.

Question. You did not know any of them?

Answer. No, sir; I cannot swear that I knew any of them.

Question. Have you ever voted?

Answer. I never have voted but once.

Question. When was that?

Answer. It has been about two years ago.

Question. Why do you not vote?

Answer. We are just afraid. We are just afraid; that is the reason.

Question. Of what?

Answer. Afraid we all will be killed right in our own houses.

Question. What, by the Ku-Klux?

Answer. Yes, sir.

Question. Are the colored men around there generally afraid?

Answer. Some of them are and some of them ain't. If they slip in there and vote, that is all the way to vote.

By Mr. BUCKLEY:

Question. Do you mean slip in here to Huntsville and vote?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do the democrats ever threaten the negroes if they vote?

Answer. I never heard any of them; but the negroes are just afraid. Several of them have been whipped about there, and they are just afraid.

By Mr. BUCKLEY:

Question. They think they will be safer if they do not vote?

Answer. Yes, sir; they think they will be safer not to vote; they think they won't be killed or beat up.

By Mr. BLAIR:

Question. You did not know any of these men?

Answer. No, sir.

Question. Did they live in the neighborhood?

Answer. I think they lived in the neighborhood.

Question. Did they talk as if they knew all about you?

Answer. Yes, sir; they knew me. They called me just as plain as any of these men that came with me.

Question. Then they must have been from the neighborhood?

Answer. Yes, sir; they called my name as good as Wash, yonder, could call it.

Question. You, from that circumstance, took it that they were some persons who lived in the immediate neighborhood and knew you?

Answer. Yes, sir.

Question. Did they seem to know about the localities in the neighborhood?

Answer. Well, sir, they were whipping us, and the white man when he got me—he got me first before he got the balance, and carried me down, and he said, "We give that white man a light brushing," and he started.

By the CHAIRMAN:

Question. What white man; the one that you had played the banjo for?

Answer. Yes, sir.

By Mr. RICE:

Question. Did he live in the neighborhood?

Answer. No, sir; he just moved in lately, and rented a house and asked us to go over.

By Mr. BLAIR:

Question. Is he there still?

Answer. No, sir; he started the Sunday morning after that night.

By Mr. RICE:

Question. The morning after the whipping?

Answer. No; the morning after we picked the banjo.

By the CHAIRMAN:

Question. Did they scare him off?

Answer. Yes, sir; he had gone.

By Mr. BLAIR:

Question. Was Campbell one of the men that whipped you?

Answer. I don't know; I can't say it was him; I am not positive to say it was him.

By the CHAIRMAN:

Question. Did you hear of anybody else in the neighborhood being whipped; Mrs. Lindsay, for example, or Mrs. Campbell?

Answer. I heard of Mrs. Campbell being whipped. I don't know how true it is. I have heard the people talking about it. I never saw it.

By Mr. BLAIR :

Question. What was she whipped for ?

Answer. I don't know ; I can't tell that.

Question. You say she was whipped ?

Answer. Yes, sir.

Question. Did you hear what she was whipped for ?

Answer. No, sir ; I never heard what she was whipped for.

Question. What sort of a person is she ? What sort of a house does she keep ?

Answer. Well, I don't know. I don't go to the house. I don't hardly ever go to white people's houses out that way. They are sort of poor people, and don't allow black people to visit them.

Question. What do they say about her ?

Answer. Well, some of them say she is a mean woman. I don't know whether she is or not.

Question. What sort of a woman ?

Answer. A mean woman ; but I never saw her out of the way myself. I cannot say she is. I just heard people say it. I never saw it myself.

HUNTSVILLE, ALABAMA, October 14, 1871.

WASHINGTON STRONG (colored) sworn and examined.

By the CHAIRMAN :

Question. You work on the Rev. A. J. Steele's place, do you not ?

Answer. Yes, sir.

Question. Did you ever see disguised bodies of men more than once ?

Answer. No, sir.

Question. When was that ?

Answer. It was the 23d night in August.

Question. Go on and tell the committee what you saw then.

Answer. I was in my house asleep, and they came and took me out and carried me off, and they were disguised ; and they carried me out in the woods and whipped me, and shot at all three and hit one.

Question. Did they give you a fair chance to run ?

Answer. No, sir ; after they got done whipping me, they said, "Now run," and by the time I got started they shot.

Question. How many licks did they hit you ?

Answer. I don't know ; they hit me right smart.

Question. Were you standing or lying down ?

Answer. Lying down flat on the ground.

Question. Did one or two whip you ?

Answer. Two whipped me.

Question. With what ?

Answer. With switches, or anything they could get their hands on.

Question. How many minutes did they whip you ?

Answer. I don't know ; I reckon three or four, just as hard as they could lay the blows on. They cut the blood out of me and they hurt ; this left arm was so I couldn't pull fodder, and they bursted one finger, and here is one scar on my arm, [exhibiting it.] My arm was swelled up so I had to split my shirt-sleeves it hurt so, and the other one was hurt too, and here is the scars. I had my hand here [illustrating ;] they struck across.

Question. Were you lying on your back or on your side ?

Answer. On my side, like this ; and I held my hand here, [illustrating ;] and they cut my hand.

Question. Did you notice the disguise ?

Answer. Two of them had on white-like domestic, and one had on black and red.

Question. Black, with red binding ?

Answer. Yes, sir ; and something white on the head, and something away up on the head.

By Mr. RICE :

Question. A tall hat.

Answer. Yes, sir.

By the CHAIRMAN :

Question. And a device for the face ?

Answer. Something with mouth and eyes.

By Mr. RICE :

Question. Horns on the hat ?

Answer. No, sir ; I didn't see ; but I cannot say, I was so bad scared.

By the CHAIRMAN :

Question. Did they tell you who they were ?

Answer. No, sir.

Question. Or where they came from ?

Answer. No, sir.

Question. Did they threaten you that they would come back again ?

Answer. No, sir ; they did not say, but just when I picked the banjo, to come to their house.

Question. Did you know any of them ?

Answer. I think I knew one, but I am not certain whether I knew him or not.

Question. By the voice or size ?

Answer. Just by his size.

Question. Did you see their horses ?

Answer. Yes, sir.

Question. Were they disguised too ?

Answer. Yes, sir.

Question. About how late at night was this ?

Answer. It was a little after midnight, I think.

Question. You had no notice at all that they were coming ?

Answer. No, sir ; not a bit. The reason I know it was a little after midnight it was not very long until day.

Question. How old are you ?

Answer. Going on twenty-two ; if I live until the 3d day of August, I will be twenty-two.

Question. Have you ever voted ?

Answer. Yes, sir.

Question. Do the colored people, up there in that part of the county, go to the voting places and vote ?

Answer. Some of them do and some don't.

Question. Why do they not all go ?

Answer. I don't know.

Question. You never heard them say ?

Answer. No, sir.

Question. Are they afraid to vote ?

Answer. I reckon they is ; I was never old enough, they said—the reason I didn't go.

By Mr. BLAIR :

Question. You say you were not old enough to vote ?

Answer. I was not at the time he said of, when the others were to vote, my mother said.

HUNTSVILLE, ALABAMA, October 14, 1872.

HOWELL ECHOLS (colored) sworn and examined.

By Mr. BUCKLEY :

Question. Do you live in this place ?

Answer. Yes, sir.

Question. How long have you lived here ?

Answer. I have lived here about twenty-two years. I came here at Polk's election, that fall. I was raised in six miles of here.

Question. What is your occupation ?

Answer. I am a traveling elder of the Methodist Church ; that is, presiding elder.

Question. Are you familiar with the history of the Methodist Church here in this place ?

Answer. Yes, sir.

Question. Will you go on and state to the committee in reference to the formation of the colored Methodist church here in this town as briefly as you can ? In the first place, how did you obtain the ground upon which the building was placed ?

Answer. Soon after I joined the church, or just at the time, Mr. William Moore, who lives on the outside of this town here, a lawyer, promised to give us a piece of ground if we would build a house on it. We then had a church in the grave-yard down here. Mr. Billy Brandom promised to build the church, he being a member of the church.

Mr. Moore promised to give the ground if we would put a church on it, and Mr. Brandom promised that if we would build the church, he would build it for us.

Question. Was he a carpenter?

Answer. He was a bricklayer, and he would give in so much for the work. That was a mutual agreement with the colored people and those two gentlemen; they were all members of the same church. We went forward then, and levied collections and sent out subscriptions among the white people and black, and with those subscriptions and collections paid for the house. The colored people did it, and the deed is down in the court-house. The deed given by Mr. Moore was in the hands of the Tennessee conference, and provides that it shall be for the worship of the colored people so long as it remained in that church and for that purpose, but that whenever occupied for twelve months for any other purpose, it reverted back to the original owner. When General Mitchell came in here, gentlemen came here named Merrill and Burnside, and they opened a day-school. The first Yankees went in there and cooked there for several weeks. After they quit, they kept the school there until Mitchell's evacuation.

Question. Do you refer to General Mitchell, of the Federal Army?

Answer. Yes, sir; after he evacuated. The next that came in was Wilder, and he staid there awhile, and those two companies occupied the house about twelve months, and then it reverted back to Mr. Moore. We worshipped there all the time the school was there. Mr. Merrill preached for us. Presiding Elder Stokes opened the door of the church; and just about the time General Mitchell went away he, the preacher in charge, Washington Duncan, a colored preacher, preached under the white preacher; and the elders of the church and the local preachers, and the stewards and the class-leaders, met, and it was passed by a majority that I should take charge. The white preacher had run off to Nashville in the time of the excitement. Mr. Plummer, the presiding elder, preached for us occasionally. After Mr. Merrill commenced preaching, Mr. Plummer quit. We felt it our duty to see him, and we went and asked him to come and preach for us to-morrow evening, (that was Sunday,) and he said, "Get the Yankees, as you usually have done." We replied that we didn't do it; that we couldn't help ourselves; that they came there and preached, and we heard them. We thought it was necessary to see the presiding elder. We said no more to our preacher here. After Hood's raid, I went to Stevenson, and then I came back and took my same position and occupation and went to preaching in the church, and Mr. Stokes came back and preached several months, and held quarterly meeting and preaching; and when he left, he gave me papers that I have now, and in a few days Mr. Lakin came down and inquired for the colored local preacher in charge, and I was introduced to him right at this corner up here. He asked if I was the preacher. I told him I was. He asked if Mr. Stokes had the organization. I told him. He asked if I had a list of all the names. I told him I had of all the names in the country. That was about the first word that passed between Mr. Lakin and myself. Then he inquired after this man William Moore, that gave us the church.

Question. The man that gave you the ground?

Answer. The ground. He said he learned there was a trouble about the church. I told him, "Yes, sir." I told him where Mr. Moore lived; his office was right on the corner. Probably it is there now; it was his own building. They got together and they talked. I was not there, and I do not know what the conversation was. Mr. Moore stated to me yesterday that if there was any other witnesses needed, he would be glad to come in and sustain me in my statement. He went straight to Mr. Moore. A few days after that, I got two or more of my brethren stewards to go to Mr. Moore, and I said, "Mr. Moore, I come to see you to ask in what relation do we stand in regard to that church." He says, "Well, Howell, you know I gave you all the ground. Mr. Billy Brandom built the house, and promised to give so much in the house. You colored people robbed from your night's sleep, and raised so much money to build the house, and it is yours; but the land is mine." I said, "Will you please sell me a little piece of ground around the church to make it larger? You gave us the ground, but it is scarcely more than five feet around, and I want it larger to tramp around." He says, "I will do so if I can conveniently, without getting into a fuss with my brethren. You know the property is in the hands of the Tennessee conference, and it will not do for me to tell you I could give it to you until I saw them; but if it makes no difference to them, I will give it to you, but there is a little trouble here as long as we have a part of the congregation in that house; with you being joined in the Cincinnati conference, he will turn you out. Have you got all the names?" I says, "Yes, every Methodist in the town and country." He says, "Well, the house follows the church," and said he, "I will let you know in a few days whether I can sell you any ground around the house;" but he said I was welcome to the house. The deed was violated. I says, "According to your statement, as soon as it was used for twelve months for any other purpose, it will not be in the hands of that conference, but in your hands." He says, "Howell, I wish to go and see them. I belong to the same church, and I will have to be careful." I says, "That is right; when you get it straight, let me know;" and he promised me he would. A few days after that I received a note

brought to my house by some colored person—a white man gave it to him—demanding me to give up the property belonging to the Southern Church. After I received that note, I did not know what to do. I wrote down to General Swayne, that I thought was in office, to know what to do. I received word, in four or five days, to remain in the house. I preached on about two weeks, and the sheriff brought me another note. John Coaltar was sheriff, or deputy sheriff, at the time. I got it read; he would not read it to me; I asked him, and he would not. And it read like this: that I was requested to come before the court, and give an account for violating the orders of the justice of the peace, in not giving the property up the first time. Well, I came up to the squire's office. I sent a young man up to see what they were doing in the house. They wanted me to come in; I wouldn't go in; but he went in, and they kept him in there before Mr. Gordon and Mr. Wilson. I staid around here with some other old brother. I sent another, David McCauley, a local preacher, and they kept him. I went home, or started, and sent them word that I felt feeble. I had been having chills, and I went back home. Straightway I appointed a leaders' meeting. I felt it my duty, as preacher in charge, to get my leaders together, to know what to do; and we agreed to give the house up, and have no more fuss about it, for fear we might be in danger.

Question. What did you do then?

Answer. Then I sent for Mr. Burrows, the presiding elder of the Southern Church, and Professor Wilson, that kept the college up here, and Mr. Cherry, the preacher in charge. They all met me in this leaders' meeting, and I walked up to Mr. Burrows's and handed him the first note I received, not the one I got by the sheriff, and he told me he didn't want that note; that he didn't require it; that the last one was the one he was after. He wanted me to answer to the last one. I told him I did not regard the last one; that I had not violated the first one. He asked me if I hadn't had preaching in the church since I was ordered out. I told him I hadn't, but the stewards had, which I was not accountable for, for I was sick; and the stewards had a right, and they met in the preacher's absence. He said, "Didn't I order it?" I told him, "No; but as soon as I got up, I brought you the note." He said, "You have got to go before the lawyer, lawyer Davis, and if he will let you off, all right." We came out of the church, and went straight up to this corner house, and Mr. Davis came there, and Mr. Gordon, and Mr. Davis addressed me this: "Echols, I have wanted to see you before. I thought you had better sense than to attempt to keep property belonging to another church, when you have left the Church and joined a new organization." I told him I did not know I had joined a new organization. I always belonged to the old Methodist Church, and I did not know any better yet until this fuss, but now you say there is a Church North and a Church South. He says, "Yes, there is." I says, "I didn't know it, and that proves that I didn't organize under Mr. Stokes, because I had a respect to persons; but since it has been explained to me that I have joined another organization, the Cincinnati conference, I give the church up freely. I don't want to occupy anything that don't belong to me; but we built the church, and it is ours."

Question. Did you occupy the church after that time?

Answer. Yes, sir; he says, "Do you agree to give it up?" I said, "Yes," to Mr. Burrows, and Mr. Burrows said, "Are you going to turn out three persons in the street that Mr. Cherry took in?" Says I, "He took in three persons, and we have three hundred persons, and I am called before the justice of the peace to give up the house, and I have about three hundred persons in my congregation that worship there, and he has three." "But," he says, "the house belongs to us and the stewards, and we belong to the Tennessee conference, and if you want to worship there, leave that organization and come over." I replied to him, "No, sir; I do not believe in moving so often. As you say, I have moved once; I will not move any more; I do not object to joining you, but I will not move again." He says, "Will you give up the church?" I said, "Yes; but I believe it is my house; it is our house; for we built it." He says, "I can't decide that; but you give it up?" I said, "Yes, I give it up, for I cannot help it; but you have got my house." He says, "You can worship there until we want the church." Mr. Burrows says this, and I says, "Thank you." "And probably," he says, "by that time you can get a house." Then I thanked him for the privilege of worshipping there, and we all went home. Then I worshipped there three or four weeks, and he met me once on Saturday evening, and says, "Echols, I want to preach in the church to-morrow or to-morrow night." I says, "You can preach there." He thanked me politely, and went on. Sunday evening he preached, and after preaching he said he would hold meeting there every Sunday, either by a white man or a colored man, and, he says, "I invite you all to come to the church; the church-door will be open to receive members; you have left our organization, and joined the Cincinnati conference." He says, "You were wrong for it, and should come back to your own Church; there will be service every Sunday." Then he went out. I says, "I will preach for you to-night." He says, "Well, you can preach to-night, and then I will take possession." I went to him at the door, and said, "I would have spoken about this in the house; but I hate to raise a confusion; but I hate to hear you invite them to come and hear you, and that in my own house to talk

that way ; you know I was ordained by the same man that ordained you." He says, "You may come, too." I says, "This invitation, out of doors, I don't care about ; you ought to have invited the congregation and the minister." I says, "I shall leave, and take my congregation with me." He objected to that, and invited us to come there. I says, "No, sir ; I will take them out, and preach wherever I can."

Question. Did you get a new place of worship then ?

Answer. Yes, sir, this same place down here in about three weeks.

Question. Do you still continue to worship there ?

Answer. Yes, sir ; in the new place. We then bought this house from a gentleman here in town and rolled it on the ground.

Question. Did you ever know a man here by the name of Hammer, who had charge of a church in this town ?

Answer. I know a man by the name of Hammer, but I never knew him to have charge of a church. He preached one sermon in this court-house up here last spring or some time the latter part of the winter.

Question. How long did he live here in this place ?

Answer. He never had been here since I have lived here, in twenty years.

Question. He never has had charge of a church in this place ?

Answer. No, sir.

Question. Did you ever hear that he was run off from this place by Mr. Lakin ?

Answer. No, sir. Hammer came here last winter and preached in this court-house.

Question. Did you ever hear that he had a colored church here and that it was broken up ?

Answer. No, sir ; he never had one. I know every minister on the place, Baptist and Methodist, and every one. I ate at Brother Hammer's in going to my quarterly meeting last year. He lived near Vienna.

By the CHAIRMAN :

Question. In what county is that ?

Answer. Jackson. He just moved here last year.

By Mr. BUCKLEY :

Question. You never heard or knew of his church being broken up here ?

Answer. No, sir.

Question. You never knew that he was driven off ?

Answer. No, sir, I never knew him to preach here, except in that court-house.

By the CHAIRMAN :

Question. If it had occurred would you have known it ?

Answer. Yes, sir, I have been here twenty-odd years. I have been in charge here until last year.

HUNTSVILLE, ALABAMA, October 14, 1871.

RICHARD W. WALKER sworn and examined.

The CHAIRMAN. As Judge Walker was summoned at the request of the minority of the committee, General Blair may examine him.

By Mr. BLAIR :

Question. Where do you reside, judge ?

Answer. Huntsville, Alabama.

Question. What public positions have you held in this State ?

Answer. Before the war ?

Question. Before and after.

Answer. I was at one time solicitor of one of the judicial circuits ; was twice a member of the legislature ; was speaker of the house at one session ; afterward judge of the supreme court. During the war I held positions ; is it proper to name them ?

Question. Yes, sir.

Answer. During the war I was a member of the provisional congress, and the last two years of the war I was a member of the confederate senate.

Question. Have you held any public position since the war ?

Answer. I have held no office since the war.

Question. Were you not at one time a judge of the supreme court ?

Answer. I have so stated.

Question. Was it prior to the war ?

Answer. Yes, sir, that was before the war.

Question. You are practicing the law now ?

Answer. Practicing the law.

Question. What is the circuit you practice in?

Answer. I practice in this, the fifth circuit, and in the adjoining circuit, the fourth.

Question. Comprising how many counties?

Answer. I cannot tell you at this moment—about ten or twelve counties, I guess, combined.

Question. Do you attend regularly most of those courts?

Answer. I attend regularly the courts of this county, Madison, of Limestone, Lawrence, Lauderdale, and Colbert; I do not attend the other counties.

Question. The object in asking you these questions was to ascertain your means of knowledge of the present and past condition of this country in which you reside, and where you practice law. I will ask you now whether the laws are executed, and whether peace and good order are maintained in this portion of the State.

Answer. As a general rule, in the counties I have mentioned and of which I am most familiar, the laws are obeyed, and peace and good order prevail. In Limestone County there have been of late some pretty serious disorders, but, with the exception of that county, I think the laws are in the main well observed in the counties with which I am familiar.

Question. State, if you please, the character of the disturbances in Limestone County, and how they originated, if you know.

Answer. I have no personal knowledge of the origin of the disturbances. I only know what I have heard from others, who I am satisfied are well informed on the subject, and, according to the information derived from them, I am convinced that there has been nothing political in the origin of these disorders, but they have grown out of private matters.

Question. Feuds between individuals?

Answer. Yes; feuds between individuals. I have been so informed by gentlemen who are prosecuting the persons supposed to be guilty of the disorders.

By the CHAIRMAN:

Question. Do you refer to Captain Coleman?

Answer. Captain Coleman only mentioned the fact in my presence. I refer more particularly now to Mr. Luke Pryor, a member of the bar of Athens, from whom I derived most of my information in reference to these disorders.

By Mr. BLAIR:

Question. State the nature of the disorders you refer to.

Answer. I do not know that I can do that in any detail at all. He has just mentioned to me that outrages have been committed by disguised individuals there, but if he told me the particular facts, and I do not doubt that he did, they have passed from my memory.

Question. Do you know of the existence of any political organizations at this time, or heretofore, since the war?

Answer. I have no knowledge of any such organizations, and never had any knowledge of any such organizations, except what I derived from public rumor. I am satisfied that at one time in this State there was an organization known as the Union League, which I believe was secret, and at one time what has been called the Ku-Klux organization—may have had somewhat of a political character, but I have no knowledge on that subject, none whatever. So far as my knowledge goes, it would lead me to the contrary opinion; but some persons entertain the opinion that there was an organization of that name, somewhat political in its character. I am satisfied that if there was such an organization at all political in its character, it was a very short-lived one.

Question. What is the popular belief as to the purpose and objects of that order?

Answer. Well, the general, almost the universal conviction, so far as I am acquainted with public opinion on the subject, is, that its original object was mainly for the purpose of a sort of police organization, for the prevention and punishment of men supposed to be guilty of crimes, who, it was believed, would not be punished in the regular course of the law.

Question. Was there anything in the condition of the country that seemed to demand or to give a pretext to such an organization?

Answer. There was very much in the condition of the country which, to some persons, seemed to furnish a pretext for such an organization. I never thought myself that there was any justification or could be any justification for it.

Question. What was that condition upon which those that justified this organization based that opinion?

Answer. Well, shortly after the war, acts of lawlessness were very frequent in all portions of the State, much more frequent in some parts of the State than in others. They proceeded, to a very great extent, from the demoralization which always results from a long war. Then the negroes of the State had just been emancipated. They felt few of the restraints of citizenship, and they were disposed, very much disposed, to im-

agine that liberty meant license. I think that the commission of offenses against the law by them was much more frequent than it has been since they became accustomed to liberty.

Question. In that condition of things was property insecure?

Answer. O, yes, sir, property was very insecure, exceedingly so; for some little time after the war, certain descriptions of property particularly so, such as stock upon farms, and everything of that kind.

Question. Did the impoverished condition of the people make them feel very restless under these continual depredations upon their property?

Answer. Yes, sir, there was a great deal of that feeling.

Question. Was there any alarm felt as to the security of their families, and especially the woman?

Answer. Yes, sir, there was a great deal of that kind of apprehension, more, perhaps, than was justified by the facts; and yet there was a great deal of justification. The negroes were in the habit of assembling, and they were very fond of public meetings. They were in the habit of assembling at public gatherings very often in the night, and frequently the most inflammatory harangues were made to them. Sometimes it was not very easy to control them.

Question. Added to the feeling that existed, did the organization of the negroes by political leaders into these Leagues very much increase the alarm of the people of the country?

Answer. I think that it did, because the purposes of that League were not understood by those who are not members of it, and I have no doubt that objects were, in the public mind, attributed to the League which were never entertained by those who had control of it.

Question. What was the popular belief as to the intent and purpose of this organization?

Answer. Which organization?

Question. The League.

Answer. So far as my knowledge extends, it was believed to be a political organization for the purpose of consolidating the negro vote in support of those who were controlling the organization. That was the main purpose.

Question. In respect to the final organization of the State government under the reconstruction acts, I believe it has been in testimony before us that the constitution was submitted to the people at the same time that a full set of officers were named and voted for by one party, and that the conservative or democratic party abstained entirely from voting, and thereby defeated the constitution in the manner pointed out by the act of Congress, by abstaining from voting, it not having received a majority of the registered vote. When, notwithstanding these facts, that constitution was declared adopted by the Congress of the United States, and those officers inducted into their places, did this condition of things add greatly to the irritation of the people of the State?

Answer. Yes, if I were asked my opinion as to what fact or cause contributed beyond any other to the popular dissatisfaction in this State, it would be the manner in which our present constitution was foisted upon the people, and the manner in which our present officers were installed into office, with the character of the instrument itself—the constitution itself.

Question. And the character of the officials?

Answer. Yes, and the character of the officials.

Question. Now, I desire you to state briefly to the committee what was the character of the administration of justice, and of the finances of the State and the different counties, under those officials?

Answer. There were some exceptions to the contrary of what I shall state to have been the general fact, but in the main the judicial officers, who went into office after the organization of our present State government, were considered by the bar and the people of the State incompetent for the positions in which they were placed, and very often they were men of very equivocal reputation for integrity. That, of course, served to impair anything like confidence in the administration of the laws. Well, the same was true to a very great extent of the members of the legislative department of the State government. I will state here, in reference to the elections which took place for officers under the constitution—you have already implied in your question that the democrats or conservatives did not vote in that election. They did not, and in consequence of the adoption of the non-voting policy by the conservative people of the State, the selection of all the officers in all the counties of the State, of every kind and character, was left mainly to the most extreme element of what was called the radical party of this State. I think the elections in the counties generally were exceedingly distasteful, so far as my knowledge goes, to what is known as the native element of the republican party in this State. In that way a class of men were elected to office who were by the great mass of the white people of the State considered wholly unfit for their positions. There were some exceptions to the contrary.

Question. In the administration, especially of the financial affairs of the State and of the counties, were the apprehensions of the white people of the State justified in their belief as to the incompetency of these officers?

Answer. Well, I think they were. I cannot now state particular facts beyond those which resulted from an investigation which I made here last fall—in the fall of 1870—pending the canvass for the last governor's election. I had occasion more particularly to examine the comparative burden of taxation in this county in the years just before the war and the two years immediately succeeding the establishment of our present State government; that is, the years 1859 and 1860, as compared with 1869 and 1870—the State and county taxation on the people of the county; and I made a memorandum of the result of my examinations in reference to those years, which I have here, [producing a paper.] Before the war, in the years 1859 and 1860, there were in this county something over thirteen thousand slaves, and the average value of those slaves, according to what was the price of slaves at about that time, I suppose, was about six hundred dollars a head, or a little over that. My estimate, I think, was a modest estimate, for I remember comparing opinions on the subject with quite a number of gentlemen in this town, and I came to the conclusion that the value of the slaves in this county was, in round numbers, about eight million dollars before the war, in the years 1859 and 1860. That was equal to, perhaps, more than the total taxable property in this county at this time, or in the years 1869 and 1870. I find, by reference to the assessment books of this county for those years, that the entire taxable property in this county in 1870 was about \$7,995,000. Of course all of this slave-property which I have mentioned was destroyed by the war. In 1859 the State tax on real estate in this county was \$7,596 15; on personal estate in this county, \$17,037 56; making the total State tax on property in this county \$24,633 71. To this is to be added the tax collected from licenses, the precise amount of which I was not able to ascertain, and have not been able to ascertain, but I am informed by Mr. Daniel Johnson, county treasurer for this county, who has been our treasurer for many years, that he is satisfied that \$2,000 would considerably exceed the amount collected for licenses in this county for 1859 and 1860, State tax. I have put it down here at \$2,000, which, he says, is in excess of the amount raised. That makes the total State tax on the people of this county in the year 1859, \$26,633 71.

By Mr. BUCKLEY:

Question. In that taxation were slaves taxed as property or were they taxed *per capita*?

Answer. There were specified taxes levied on slaves according to the age.

By Mr. BLAIR:

Question. Is the tax on slaves included in that estimate?

Answer. Yes, sir; the tax on slaves is included in this estimate. Under our system the commissioner's court of each county levy, in the course of a year, a certain percentage on the State tax for county purposes. In 1859 the county levy in this county was 50 per cent. on the State tax, making the total county tax for that year of 1859, \$13,316 85, aggregating, in the State and county tax, \$39,950 56. But in the year 1860 the State tax on real estate was \$7,800, and on personal property was \$17,692 42, making the tax on property, including slaves, \$25,492 42. Add to this the taxes on licenses, \$2,000, makes a total of State taxes for 1860 of \$27,492 42. In the year 1860 the county levy was 40 per cent. on the State tax, making \$10,996 68, the total amount of State and county taxes of 1860 being \$38,489 10. In 1869 the State tax on real estate in this county was \$51,445 30; on personal property it was \$8,471 75; the tax derived from licenses \$5,493 80; making a total of State taxes, \$65,410 85. The county levy in 1869 was 100 per cent. on the State tax, making a total State and county tax for 1869 for this county of \$130,821 70. In 1870 the State tax on real estate was \$49,942 11; on personal property it was \$9,737 55; the tax derived from licenses, \$7,065 87; making \$66,745 53, the county levy on which was 85 per cent., which was \$56,733 70; making a total of \$123,479 23, to which is to be added a State tax upon that portion of the Memphis and Charleston Railroad lying in this county, \$2,786, making in the aggregate State and county taxes for 1870, \$125,265 23. The general result being that, notwithstanding the destruction of property in slaves equal to the present taxable property of the county of all sorts, the aggregate taxes paid in those years, 1869 and 1870, by the people of this county, were nearly four times what the taxes were in 1859 and 1860, before the war.

Question. Do the negroes pay any part of those taxes?

Answer. It would not be literally correct to say that they paid no part of it, but what they do pay is so insignificant that it amounts to but very little.

Question. Is there an exemption law?

Answer. O, yes; there is an exemption of property which "lets out," as the phrase is, nearly every negro in the county. There are some colored men here, though, who do pay taxes, prosperous men, who have considerable property; but then they are very few, very few.

Question. Then the same class of persons who paid taxes in 1859 and 1860 pay nearly the entire tax now?

Answer. O, yes, sir; most of these colored men who pay taxes now were free men before the war. I can recall several in town here now who were free men before the war; who were men of some property, some means; and most of the colored men of this county who pay taxes now paid taxes before the war. There may be some few who were emancipated by the war who pay taxes now, but they are very few indeed.

Question. Is there in the levy you have spoken of, for State and county purposes, the school tax included?

Answer. Yes, sir.

Question. How is the school fund distributed;

Answer. I really, sir, would not venture to give the details of the legislation on the subject of schools. I have informed myself on the subject, but I have not looked at it for some time, and I would not like to testify on a point on which my recollection is so indistinct.

Question. Generally does it include the education of all children?

Answer. O, yes.

Question. And the application of the funds to the education of the negroes as well as white children?

Answer. Yes, sir; I know that much about the system.

Question. Is there any general cause for this increase of taxation that you know of?

Answer. Well, I suppose the rate of taxes would necessarily be increased. The rate of taxation on the remaining property would necessarily be increased to some extent; but I do not think there has been any justification for the amount of increase over those former years.

Question. The rate of taxation on the remaining property would necessarily and properly be raised to account for the slave property that no longer exists?

Answer. Yes, sir.

Question. But that would not increase the amount of the entire tax?

Answer. O, no; there would be no necessity for any such difference as exists if the expenses of the State government were brought back to the point at which they were before the war—the legitimate expenses of the State government.

Question. And the expenses of the county government?

Answer. Yes, sir.

Question. Do you know of any improvements made in the county roads, or anything of that kind, which have called for so much taxation?

Answer. Yes, sir; there have been considerable improvements made in this county within the last two or three years, in the way of building bridges, involving considerable expense.

Question. Has there been any exhibit of the expenditures of this county during the last two years?

Answer. Well, sir, I am really not able to answer that question. If there has been, I do not remember to have seen it, though I will not at all undertake to say there has not been.

Question. Why is it that you consider this assessment and collection of taxes in your county excessive?

Answer. I cannot conceive that, so far as the State tax is concerned, the legitimate expenses of conducting the State government can have increased so much as to justify the collection out of the people of this county, when the property of the county has been reduced in value more than one-half, of an amount which is nearly four times the sum collected from them in the shape of taxes before the war.

Question. Is the same thing true in respect to the county tax?

Answer. I think it is measurably true in respect to the county, but not to the same extent. I have no doubt that the condition of the county in reference to bridges was such as to justify some increase of expenditure over what it was before the war, though the difference, you see, is very great. I do not think that the necessities of the county could possibly have justified such a difference.

Question. To what do you attribute this excessive taxation?

Answer. Well, sir, that is a question not very easy to answer. In various ways the expenses of conducting the State government have been materially increased, and appropriations of public moneys have been made for many new objects, and I suppose that in that way the demands upon the treasury have been greatly multiplied.

Question. Does this burden of taxation give rise to discontent?

Answer. It has given rise to great, very great, discontent.

Question. And the fact that it is and has been levied by men who were not chosen by the people of the State?

Answer. Yes, that has intensified the dissatisfaction very much, particularly the fact that the very great majority of the men who imposed these taxes were not tax-payers themselves—believed, and I can safely say known, not to be tax-payers themselves—and that very many of them were strangers here, without any settled home among

us—I forget the number who were negroes, generally without property. It very much increases the dissatisfaction that these burdens were imposed by this class of men.

Question. Do you attribute much of the dissatisfaction and discontent and the disturbances which have taken place in your section of the State to the fact that these excessive taxes are levied, and levied by officers such as you have described them to be, and elected as you have described?

Answer. I cannot say that I believe that the burden of taxation has been the proximate cause of any disturbance against the public peace or any outrages upon individuals, but it has greatly exasperated the people.

Question. Inspired a want of confidence in the officers of the State?

Answer. Yes, sir. There was not much confidence to begin with, and it has served to confirm the want of confidence.

Question. Is it believed that these officials have made away with the revenues of the State to their own benefit?

Answer. Well, such charges have been made; but, as to saying that I have any such knowledge on the subject as would justify me in making that imputation, I cannot say that.

Question. Is it believed by the people of the State generally that such is the case?

Answer. Yes; it is universally believed by the people of the State that laws have been passed by the legislature imposing further burdens on the people by corrupt appliances. That much I can say with confidence.

Question. And for individual gain?

Answer. And for individual gain. As to the whole class of laws known as the railroad laws, the laws granting aid to railroads, in the session before last of our legislature, I believe there is a conviction among the people, that may be almost said to be universal, that those laws were obtained by corrupt appliances.

Question. In reference to the election laws of your State, are they considered efficient for the protection and purity of the ballot?

Answer. No, sir; there has been very grave objection made to our election laws, upon the ground that they facilitated illegal voting. There is a system of registration in this State, and all voters under our election laws may vote at any precinct in the county without regard to residence, and the election law in terms prohibits anything like a challenge of voters. The universal impression of our people—and I think that has been the general opinion of the bar, though I have heard the question somewhat controverted of late—has been that a man has no right, under any circumstances, to challenge a voter.

Question. To challenge a man who offers to vote?

Answer. Yes, to challenge a man who offers to vote. The popular construction of the law is, that one who challenges a person offering to vote is guilty of an offense against the laws of the State.

Question. Are challengers allowed to go within thirty feet of the polling-places?

Answer. No, sir; I forget the exact distance, but I know some distance is prescribed, and I have never seen or heard of a challenge in this State since that law. I never have heard of a man's vote being challenged.

Question. Does not the law prescribe that no person save the one offering his vote shall approach within more than thirty feet of the poll?

Answer. That is my recollection.

Question. How is it possible for a man standing thirty feet off to challenge?

Answer. It would be perhaps not impossible, but it would be quite a difficult undertaking.

Question. This, taken in connection with the provision of the statute prohibiting a challenge, has made the custom universal in this State not to challenge?

Answer. Yes, sir; it is universal; and the universal impression is that a man would be guilty of an offense against the law if he attempted to challenge a voter who he knew was not a legal voter.

By Mr. BUCKLEY:

Question. Is that your interpretation of the law?

Answer. Have you got the law before you?

Question. No; but there was a diversity of opinion in regard to it. I ask for your own.

Answer. I never knew that that question had been raised until within the last day or so. I never considered the question myself. I took it for granted that the plain letter of the law made it a penal offense for one to challenge a person offering to vote.

Question. Whom he knew to be disqualified?

Answer. Yes, sir; though I do not give that as my professional opinion now, because I really have not a formal one on that point. I never heard the contrary suggestion made until within the last few days.

By the CHAIRMAN :

Question. Does not the law in terms apply to a qualified voter, saying that he shall not be challenged ?

Answer. I really do not remember about that.

By Mr. BLAIR :

Question. It does not use the language "qualified voter," I believe ?

Answer. I intended to look at that. I understood that Judge Pettus, of this State, had expressed the idea that it did not apply to a qualified voter. It was a new idea to me. I know that the universal opinion of the people, and generally of the bar, was that it was illegal to challenge a man who offered to vote, no matter who he was.

Question. Have you ever heard of a judge of election refusing to allow a challenge ?

Answer. No, sir ; never. I never heard of a challenge being made.

Question. And the belief is universal and acted upon ?

Answer. O, yes ; I am thoroughly persuaded of that. In the last election, during the part of the day that I was in the court-house yard, when the voting was going on, and the voters would come in long files, I heard individuals point out persons offering to vote, and calling public attention to the fact, "There goes a boy of fifteen or sixteen years of age," and to all appearance they seemed to be boys. I did not know anything about their age except as shown by their appearance, yet nobody pretended to challenge them, because of the impression that the law forbade it.

Question. This provision of the law, taken in connection with the fact that a man can vote in any precinct in the county, is not calculated, you think, to guard the purity of the ballot ?

Answer. No, sir ; I think so far from its being calculated to protect the purity of the ballot-box, it facilitates fraud to a degree unknown in this State heretofore.

By Mr. BUCKLEY :

Question. Still that has always been the law in this State, or at least for a great many years, that a citizen could vote at any precinct in the county ?

Answer. Yes, sir ; it always was, so far as I know.

By Mr. BLAIR :

Question. Has the general tranquillity of the State improved since the election, by the people, of a governor of their own choice ?

Answer. Well, sir, I think there has been a steady improvement going on ever since the close of the war ; or if not ever since the close of the war, for the last three years a steady improvement has been going on in public order.

Question. Is it understood and believed that the so-called Ku-Klux, of whom you have spoken, have disbanded and now no longer exist as an organization ?

Answer. O, I think so ; long since, sir.

Question. Do you hear of any outbreaks recently, or disturbances, violations of law ?

Answer. The most recent ones I have heard of have been those I have spoken of over in Limestone County, and they have been in the last two or three months.

Question. Not originating in political causes ?

Answer. Not at all, according to the information which I have, which I am satisfied is correct.

By Mr. RICE :

Question. When you say there were no disturbances in the counties you have named, and in which you practice, do you mean that there have been no serious ones except in Limestone County, or that there are none of recent date ?

Answer. I spoke of disturbances by disguised individuals.

Question. I refer to them.

Answer. None that I heard of that were of recent date.

Question. You do not intend to extend it back ?

Answer. No, sir. There was a period when there were disturbances in these other counties. I expect that was true, though at this time I cannot recollect any.

Question. Have there at no time been any disturbances in this county by disguised men ?

Answer. O, yes ; there have been in this county.

Question. At what period were they worst ?

Answer. Well, sir, my memory of dates is so bad that, answering off-hand, I should say three or four years ago.

Question. Eighteen hundred and sixty-eight ?

Answer. Perhaps before that ; 1867 and along there ; though there have been some outrages committed by disguised men of much more recent date than that. I can remember one now of which I have some knowledge, having previously been counsel for

the man who was killed, which occurred, I suppose, within the last eighteen months. The man was named Thompson, and it occurred in this county.

Question. Was he killed by disguised men?

Answer. Killed by disguised men. He had killed a man by the name of Douglass in this county, and had been indicted for murder and bailed. He had either been indicted or been tried before a committing magistrate and held to bail; I have forgotten whether he had been indicted or not. While he was on bail a number of disguised men came to his house at night and killed him; but his political opinions and connections, and those of his family and friends, all showed that there was nothing political in that affair at all. He was a democrat and all his friends were democrats. It was a well-known democratic family, and so was the man who was killed a democrat, and all the family of that man.

Question. Since the close of the war, or just after the close of the war, you spoke of a good many depredations by the colored people. Were there any grave or many grave offenses committed by them?

Answer. Well, I think there were. I cannot say there were very many, but there were grave offenses. I cannot recall particular cases at this time.

Question. During the years 1865 and 1866, up to the time the reconstruction acts passed, was there any trouble in arresting and bringing to punishment negroes who committed offenses?

Answer. I cannot say that I have any personal knowledge of any such trouble.

Question. What is your impression as to the ability, on the part of the Government, to execute the laws as against them very easily during the years I have named?

Answer. Which years did you mention?

Question. Eighteen hundred and sixty-five and 1866, and the early part of 1867, before the reconstruction measures were passed. I confine my question to the time between the close of the war and the time when the reconstruction acts were passed.

Answer. Well, there was a time here when the military interfered very extensively with attempts to execute the laws, and their interference was very frequent in the case of attempts to administer the laws against negroes.

Question. Was that prior to the reconstruction acts?

Answer. It was prior to the establishment of our present State government.

Question. That was several months after the reconstruction acts were passed, but during the time that General Parsons was governor, and Governor Patton was in office, there was no military interference with the execution of the laws, was there?

Answer. I am not sure; I cannot recollect about that.

Question. Do you know of their committing any other offenses aside from petit larceny or something of that kind? Do you recollect any cases occurring in this section of country?

Answer. I do not remember specific cases, but I have no doubt that much greater offenses than those were committed.

Question. As a class, were they not, during that period, peaceable and well-disposed?

Answer. Well, sir, they were more peaceable than it was generally believed they would be. I know that the white people of this State were rather agreeably disappointed by the conduct of the negroes, though crimes were quite frequent among them, much more so than among the white people.

Question. But were their crimes not of a very petty character?

Answer. Well, they were crimes of all grades; they were mostly cases of larceny, but there were crimes of much higher degree. I think rapes were sometimes committed, which gave rise to a great deal of excitement and feeling.

Question. Do you recollect any?

Answer. No, sir; I cannot recall any specific case within the time you refer to.

Question. Was there during that period such a condition of affairs as to make any apparent necessity, on account of the action of the negroes, for the organization of the Ku-Klux order?

Answer. If you ask my opinion, I do not think there can ever be a necessity, apparent or real, for any such organization as that; but that there was felt among persons who did not have a very great horror of secret organizations for police purposes that there was such a necessity for them I do not doubt at all.

By Mr. BLAIR:

Question. That was felt by them?

Answer. Yes, sir; it was felt by them, I have no doubt.

By Mr. RICE:

Question. Were the class of persons that you supposed were in the Ku-Klux order a class of men who had such regard for good order in society as to cause them, on that account, to organize themselves?

Answer. I think at the outset of that organization, though it was very short-lived, as I said before, as a regular organization, and my knowledge of the whole subject of

this Ku-Klux organization is exceedingly limited, as I never saw a man in my life whom I knew to be a member of the organization—I think it was short-lived; but so long as it had any regular organization at all I think, from what I have heard, that some very excellent men were in it, some good people; some men whose sole purpose was to preserve order and inflict punishment in cases where they believed the punishment would not be inflicted by the law.

Question. Had the condition of affairs grown worse or better from the close of the war down to the early part of 1867?

Answer. Well, sir, my belief is that the material improvement in the matter of public order began about 1867.

Question. What, in your opinion, was the original leading cause for the organization of that Ku-Klux order?

Answer. I can only state the impression made on my mind by what I heard at the time.

Question. State it.

Answer. I believe the main object was for the repression of disorders, and there might have been a political element in it to some extent, but I do not know about that.

Question. About what time was it your understanding that it was organized in this part of the State?

Answer. I could not give you the date to save my life.

Question. Do you recollect whether it was 1867 or 1868?

Answer. No, I do not; I cannot connect it with any facts which would refresh my recollection.

Question. In your opinion, has it had any effect upon negro voters in regard to causing them to stay away from elections?

Answer. Well, sir, so far as my knowledge goes, it has not. But I do not pretend to say it has not. I think in this section of the State it has had no perceptible effect.

Question. You think no negro has been afraid of the Ku-Klux and thereby been restrained from attending the election?

Answer. I will not say no negro, because that is stating it too strongly; but as a rule in our elections, since the organization of the Ku-Klux in this portion of the State, the negro vote has been much more full than the white vote; the negroes have voted more fully than the whites.

Question. Have they not very generally come to this town to do their voting?

Answer. They have very generally. I think they have come to this town to do their voting not because they would not be allowed to vote at the various precincts, but because inducements were held out to them to come here.

By Mr. BLAIR:

Question. What inducements?

Answer. I do not know what inducements were held out, but the supposed object of bringing, or getting them to come to town, was to consolidate their vote; to get them to vote *en masse*, all together, all one way.

By Mr. RICE:

Question. Is not that their disposition generally?

Answer. Yes, sir; I think it is.

Question. You said in your direct examination that one of the main causes, you thought, of complaint on the part of the people, was the manner in which the constitution was foisted upon the State?

Answer. Yes, sir.

Question. Did you mean that that was one of the causes which called into existence the Ku-Klux order?

Answer. Not at all. I think that cause had nothing in the world to do with the formation of the Ku-Klux organization. I said that was one of the causes of the popular dissatisfaction.

Question. There was a complaint about the officers that were elected at the same time, you say?

Answer. Yes, sir; a very great complaint.

Question. How was it possible to have elected other officers than they did if the democratic party wholly withdrew from the contest?

Answer. Well, our people, relying upon the terms of the act of Congress submitting this constitution to the popular vote, believed that they could most certainly defeat it by abstaining from the polls. It was provided by the act of Congress that the constitution should not be considered as ratified unless a majority of the registered voters voted on the question of ratification or rejection. Well, the matter was very much considered and discussed among the opponents of the constitution as to what was the best means of defeating it. It was known that there were a great many of our people who were opposed to the constitution, who were exceedingly reluctant to vote at all; a great many would not be induced to vote at all on the question, although those very

men were the men most violently opposed to the constitution ; and after a great deal of consideration it was determined that the best means of defeating the constitution was to abstain from the polls. We thought we could get a larger number of opponents of the constitution to stay away from the polls than we could get to go to the polls.

Question. Believing that, you took the chances of these officers being elected ?

Answer. No, sir. We knew that if we defeated the constitution, if that defeat was recognized, there could be no election of officers.

Question. But if the constitution was adopted, you took the chances of that, and then the officers would have come in, as a matter of course ?

Answer. Yes, sir ; then the officers would have come in.

By the CHAIRMAN :

Question. Was it not competent to have voted for officers under the constitution, and at the same time have abstained from voting on the question of the adoption or rejection of the constitution ?

Answer. Yes, sir ; it certainly would have been competent for our people to have voted for or against the officers in that election. That matter was very much considered also, but those who favored the non-voting policy, of whom I was not one, for I was in favor of voting and taking the chances, thought the best plan was to advise our people not to vote at all ; that we could not get the people to understand the difference ; that if they went to the polls at all they would vote on both questions, and we would lose the benefit of the policy we had adopted.

By Mr. RICE :

Question. In your opinion, had you all taken part in the first movement at the outset, under the reconstruction laws, could you not have got possession of the convention and made a constitution that would have suited you, and adopted it and elected your own officers ; were you not strong enough at that time to have done it ?

Answer. No, sir ; I imagine not ; that was not the opinion.

By Mr. BLAIR :

Question. Large numbers were disfranchised ?

Answer. Yes.

By Mr. RICE :

Question. But there would not have been two sides to the case if you had all joined in reconstructing, would there ?

Answer. Yes, sir ; there were two sides to begin with. You see the negroes, by this act of Congress, were authorized to vote, and they voted, under influences which then controlled them, in one solid body. A very large number of the white men of the State were disfranchised and could not vote at all. Those elections were held under military orders.

Question. But they voted solid because there was but one side to vote on ?

Answer. Well, the negro population of the State, sir, was at that time under the control of influences which would have made any efforts on the part of the white men of the State vain in the way of controlling them.

Question. You speak of county taxes here as being about \$39,900, in 1859 and 1860, and being some \$130,000 in 1869 and 1870 in this county. Is there any pretense that, so far as this county is concerned, the money has not been properly appropriated ?

Answer. Do you mean the county levy ?

Question. Yes, sir ; for county purposes.

Answer. For the years I have spoken of, 1869 and 1870, I know of none whatever. On the contrary, so far as my knowledge goes, I think the affairs of the county have been pretty well managed.

Question. I will ask you to account for the difference in the amount of taxation, whether the population of the State that is governed by law, and over whom the laws have to be administered, has not nearly doubled by the addition of the negro population as citizens between 1860 and 1870 ?

Answer. The entire population was governed by law before the war.

Question. But the slave population was mainly governed by their masters at no expense to the State, and now they are governed, and just as expensively governed as the white population, by the State, and the expenses of courts are correspondingly increased. It was not common to have a trial of slaves before the war ?

Answer. No ; not for petty misdemeanors.

Question. Is not the cost of the judiciary correspondingly increased by the addition of the negro population as citizens ?

Answer. Well, sir, I would have to take some little time to reflect about that.

Mr. BLAIR. These courts are not paid by the county but by the State.

Mr. RICE. Some by the county and some by the State. It goes in to make this aggregate of which the witness speaks, of county and State tax.

The WITNESS. Well, sir, the most material increase would be in the matter of witnesses' expenses who attend these trials; that is, the trials of prisoners who formerly were slaves, but now are free, for offenses which were generally, if committed by them, not punished by the courts before the war. That would not begin to account for the difference.

Question. But that would account for some of it?

Answer. But it would be a very small portion of it, I think.

By Mr. BLAIR :

Question. Are not all these witness fees paid by the State?

Answer. No, sir; they come out of fines and forfeitures from the county treasury. I do not see that they would affect the taxation materially at all.

By Mr. RICE :

Question. Do you not believe that the increase of population in the State increases the expenses of running the State?

Answer. The increase of population does; there is no doubt about it; and the emancipation of the slaves, I have no doubt, did to some extent, but not to any very great extent, I think, except in the matter of public education.

Question. I am coming to that directly.

Answer. Upon reflection, I am not sure that I am not mistaken as to the school-tax. I do not believe that is included in these items that I have furnished. I believe that is a special tax.

Question. I will ask if the ordinary expenses of individuals have not increased nearly 100 per cent. between 1860 and 1870?

Answer. There has been a very considerable increase.

Question. I will ask if, under the present law, there has not been an increase of salaries, and all the expenses attending the State government, corresponding with that increase in the daily expenses of the individual?

Answer. I think there has been an increase of salaries, and, to some extent, an increase in the ordinary expenses of conducting the State government. I do not think it at all corresponds with the increase which has taken place in private expenditures.

Question. Not as much as that?

Answer. Nothing like it.

Question. I will ask you if, in all improvements that have been made in this county since 1869, the cost has not been double as great as the cost of similar improvements in 1859?

Answer. I do not know that they have been as much as double. I am inclined to think not; but they have been considerably more, I have no doubt.

Question. Has there not been a greater amount of improvement here in 1869 and 1870 than in the same number of corresponding years previously, or in 1859 and 1860?

Answer. Well, sir, I did not reside in this county before the war, and I cannot answer that question from personal knowledge.

Question. There has been considerable improvement in this county?

Answer. Considerable in the way of building bridges, in some cases of bridges destroyed during the war, and, in other cases, bridges have been built where there were no bridges before; but before the war a part of the county taxes in this county was for railroad purposes, I think. I know it was so in one of those years to which I refer—the county tax of this county to pay the county subscription in aid of the Memphis and Charleston Railroad, which runs through this county.

Question. Are the people taxed in any way for the building of school-houses?

Answer. I think that comes under the general school-tax.

Question. You are not certain whether that is included in your estimate?

Answer. I think it is not, though I am not sure about that, really.

Question. Do you know the amount of school-tax, the amount raised?

Answer. No, sir, I do not.

Question. Was there any common-school system in this State prior to the war?

Answer. O, yes, sir.

Question. Was there a school fund?

Answer. O, yes, sir.

Question. Is that fund still in existence?

Answer. I say there was a school fund.

Question. A school-tax?

Answer. Yes, sir.

Question. But there was a school fund that was accumulating interest each year for purposes of education?

Answer. The school fund, if I recollect aright, had been lost by the State long before the war, and the State held itself as a trustee and paid annually, for school purposes, the interest on the fund which was lost, and the matter so stands to this day.

By Mr. BUCKLEY:

Question. Was not part of that school fund lost during the war?

Answer. That may have been so, but I am not aware of it. I think not; I think it was all lost before the war.

By Mr. RICE:

Question. The school-tax is much greater now than prior to the war, under this system?

Answer. Yes, sir; very much greater.

Question. Does this aim to be a free-school system?

Answer. Yes, sir.

Question. And includes white and colored?

Answer. Yes, sir.

Question. That would increase the number of children to nearly double, I suppose?

Answer. Yes, sir.

Question. I believe you say you cannot state that you know of any squandering of the money on the part of the State officials?

Answer. I have no personal knowledge of that.

Question. Are the new objects of taxation, that you speak of, meritorious or otherwise? You say that, under the present system of affairs, there has been taxation for new purposes.

Answer. I said that the public fund had been appropriated for some new purposes.

Question. Well, new purposes; were they meritorious?

Answer. Those appropriations I had mainly in my mind at the time I spoke were the appropriations in aid of certain railroads in this State.

Question. Has the State paid anything on account of those roads?

Answer. Whether the State has actually paid any money I am not able to say. I expect it has, though. I expect that the State has paid one installment of the interest for the Alabama and Chattanooga Railroad, but I am now stating only an impression.

Question. That railroad was built by a loan by the State of its bonds to the amount of \$16,000 a mile?

Answer. Yes, sir.

Question. And the road has been built, has it not?

Answer. Yes, sir.

Question. Under that law does not the State become the owner of the road in case the company fails to pay its interest?

Answer. The State, by the law, retains a lien on that portion of the road in the State; but the fact that after diligent efforts, now for some four or five months, to obtain the undisputed control of the road, the State has not yet succeeded, is pretty good proof that the security offered was not effectual.

Question. That is not a very long time, is it, four or five months, to get its rights established through the courts?

Answer. I think it is quite a long time.

Question. You have very speedy justice here, if that is regarded as a long time in such a litigation.

Answer. It is.

By Mr. BLAIR:

Question. How did it propose to protect itself? Was it under the law by which the road could be sold?

Answer. Yes, sir.

Question. Has the sale taken place?

Answer. No, sir.

Question. What difficulty is encountered in making the sale; has there been default?

Answer. The company failed to pay the interest on the bonds which the State indorsed, and the State therefore became entitled to the rights which it reserved in the act granting the aid to this road, and it has been making efforts ever since the default occurred to put itself in such a position that it could release the securities.

By Mr. RICE:

Question. Under the law are not the rights of the State applied so that it can in course of time enforce its remedy?

Answer. Well, sir, I cannot answer that question, because so many impediments seem to be thrown in the way now of the assertion of the rights of the State, and on accounts which I did not fully understand, that I am satisfied that if the State ever does obtain its rights it will be after very considerable delay and long and great expense in the way of litigation.

By Mr. BLAIR:

Question. What obstruction is interposed; do you know the character of the obstruction?

Answer. I do not; the matter has been carried into various courts, before various judges, State courts and United States courts. It has been before the chancery courts in Tennessee and chancery courts in Georgia; before the United States circuit judge in Montgomery, and now before the United States district judge in East Tennessee.

By Mr. RICE:

Question. Have not all the decisions so far been in favor of the State?

Answer. I have not kept up with the controversy so as to be able to tell you.

By Mr. BUCKLEY:

Question. Within the last few days have not the decisions put the road in possession of the State of Alabama exclusively?

Answer. If they have I have not seen them; it may be so. I have seen nothing within the last week on the subject.

Question. Judge Walker, in speaking of the constitution you spoke about some objections to the instrument itself. To what particular points did you refer as objectionable?

Answer. Have you got the constitution before you?

Question. I have not; but no doubt you remember them.

Answer. Yes; I remember one particularly. Doubtless if I had the instrument before me I could point to others. Very great objection is made to the oath required of voters.

Question. Was there any other point that you heard of objected to especially?

Answer. Yes; there was a provision made in the constitution, as it was believed, for an unnecessary multiplication of offices.

Question. There was only one additional office made, was there?

Answer. I think there was more than one. I remember a "commissioner of industrial resources," I believe it was.

By Mr. BLAIR:

Question. Did it add to the county officers?

Answer. I do not know whether the constitution did or not, sir.

By Mr. BUCKLEY:

Question. Was there any other complaint against the constitution which you remember?

Answer. Yes, sir; there was very great objection to the board of education, and especially to the legislative powers conferred upon that board.

Question. Because of its independent legislative character?

Answer. Yes, sir; its independent legislative character, and it was believed that it was an unnecessary addition to the public expense; and I believe that opinion was not then and is not now confined to the democratic party in this State.

Question. I have a copy of the election law which bears on challenging. It is section 34 of the act of 1868. I would like to have you read it, Judge Walker, because I would like to have your opinion upon it. [Submitting to the witness section 34 of the act of 1868, which provides as follows:

"That there shall be no challenging of electors offering to vote at any election hereafter held in this State, and any registered voter offering to vote at any election in this State shall be allowed to do so without question, challenge, or objection by any person; and any person who questions, challenges, or objects, or who unlawfully hinders or delays any person offering to vote, shall be guilty of a misdemeanor, and on conviction shall be fined five hundred dollars, and on failure to pay the same shall be imprisoned in the county jail for six months."]

Now I will ask you if you do not think it would be necessary, in order to make a valid indictment under that statute, to allege that the person who was challenged was a qualified voter?

Answer. It is a question which I never had occasion to consider before at all, and I cannot say that I can express a positive opinion upon the subject on so short notice.

By the CHAIRMAN:

Question. Have you an idea that a man could be convicted in court for challenging the vote of a minor?

By Mr. BLAIR:

Question. Would it not depend on the instructions of the court before whom the trial was held?

By the CHAIRMAN:

Question. Please to answer my question first.

Answer. I believe myself that the better construction of that act would be that a person ought not to be held guilty of a misdemeanor for challenging a person who was

not a legal voter. But with such judicial officers as we have had in this State since the war, a contrary decision would not occasion in my mind the least surprise.

By Mr. BLAIR :

Question. Suppose he should challenge thinking that he was challenging a party who was not a qualified voter, and it should turn out that he was a qualified voter, could he not then be convicted of a misdemeanor, although ignorant that he was challenging a qualified voter? Suppose he should make a mistake himself as to the qualification of the voter?

Answer. Well, I do not believe in that case that such a man ought to be held guilty of a violation of the law if the law is properly construed.

By Mr. RICE :

Question. He would lack the criminal intent. It would have to be shown that he did it intentionally.

Answer. Yes, sir; he would lack the intent.

By Mr. BUCKLEY :

Question. Does not the law then really contemplate the protection of the purity of the ballot-box by requiring the registration of voters, as is contemplated in the fourth section of the act which you have before you there in the laws of 1868? [Submitting the Laws of Alabama for 1868.]

Answer. I do not know that I understand your question.

Question. Taking the two sections, the thirty-fourth section of the act of 1868 in connection with that act which you hold in your hand, do you not think that the law really intends to protect the purity of the ballot-box in this State?

Answer. No; I have no such idea. I believe that the law was intended to prevent any challenging of votes. The terms are probably such that in the hands of upright judges a man could not be punished under it for challenging a person not qualified to vote, though it is not at all certain, as our courts are now constituted in this State, that such an attempt would not be punished. I want to embody this language in my answer: "any person who questions, challenges, or objects, or who unlawfully hinders or delays any person offering to vote, shall be guilty of a misdemeanor;" and I can readily understand how it might be with our present courts that a person challenging anybody would be held guilty of a misdemeanor. I am satisfied that the universal, popular impression has been that no challenge could be made without a violation of law.

Question. But does not the law say there shall be no challenge of electors?

Answer. In one clause of the section the language is "there shall be no challenging of electors offering to vote," and "any registered voter offering to vote at any election in this State shall be allowed to do so without question," &c. The succeeding clause of the section is in the language I have quoted above.

By the CHAIRMAN :

Question. There is a penalty, I believe, for registering without the proper qualifications?

Answer. I think there is, sir; but, Mr. Pratt, I really do not know that; I say there is, supposing that there ought to be.

By Mr. BUCKLEY :

Question. Is it not in the fourth section of the act for the registration of electors, that you hold in your hand?

Answer. No, sir; the requirement of registration is in this. There is a penalty for false swearing in taking the oath required in section four. I find that here.

Question. Section four of the constitution?

Answer. No, sir; section four of the act. [Examining the section referred to.] Yes, sir; that is the oath prescribed by the act; there is a penalty for false swearing. I do not think there is any other penalty provided for registering when not qualified, and the general election law, if I recollect aright, provides no penalty whatever for illegal voting.

Question. Judge Walker, you spoke of the judges of our State. I would like to ask you a few questions in regard to them. You are acquainted with Judge Peck, the chief justice of the State, are you not?

Answer. Very well, sir.

Question. Is he not regarded as an able judge and a very pure man?

Answer. Judge Peck is an excellent lawyer. I do not like to be expressing my opinion about gentlemen with whom I am well acquainted and with whom I hold pleasant social intercourse. I am willing to answer any question, but in regard to individuals I think I should be excused.

Question. I will ask in regard to the supreme court of this State, generally, is it not considered an able court?

Answer. I do not think it is.

Question. Or in regard to the circuit court of this judicial circuit here?

Answer. I do not think, Mr. Buckley, that I ought to be asked such questions as that. I am an attorney at this bar.

Question. I simply wanted to get at the fact.

Answer. I have no hesitation in answering any proper or fair question, but any one can see, I think, that it is not exactly fair to ask me my opinion of a judge before whom I am under the necessity of practicing.

Question. I want to get at the fact whether the courts of the State administer the laws of the State in such a way as to inspire confidence among the people. You have just referred to them in your preceding remarks.

Answer. I think there has been an improvement in that respect, but, as a general fact, I do not think they have been administered in a manner which has inspired public confidence. I think the reverse is the fact.

Question. That you apply, then, to the courts generally throughout the State?

Answer. Yes, sir; I said in the outset that there were some exceptions, and I make that exception again.

Question. Do you know, judge, whether the income from taxation in this State during the years subsequent to the war has been sufficient to meet the public expenditures year by year?

Answer. Well, I suppose, sir, without very definite knowledge upon the subject, that for a year or so after the war the income from taxation could not have been sufficient.

Question. Are you aware that the income during the year 1870 only was sufficient, of all those years, to meet the expenditures of the State?

Answer. No, sir; I was not aware of that.

Question. Is not that the fact that the receipts from taxation during 1870 met the expenditures of the State, and that that was the first year in which this had occurred for ten years?

Answer. Well, sir, if the income for 1869 was not sufficient, it is certainly a matter of great surprise to me.

Question. But the assessments are levied a year in advance of collection?

Answer. Yes, sir.

Question. Then the assessments were levied in 1868 which were collected in 1869?

Answer. Yes, sir.

Question. Then those assessments must have been levied by the legislature elected at the same time that Governor Patton was elected?

Answer. When did the present State government commence?

Question. July, 1868. They of course could not interfere with the assessments of that year, which were made by the legislature of 1867-'68?

Answer. I cannot state now when the revenue system devised by the legislature which went into office in July, 1866, went into operation.

Question. But the assessment had already been made previous to July, 1868, had it not?

Answer. I suppose it must have been, sir.

Question. Then, whatever increase of taxation was found necessary in 1869, must have been provided for by the democratic legislature which met in the fall of 1867 and spring of 1868?

Answer. No, sir; the taxes referred to in the tables I have given were taxes assessed under the law of 1868, by the legislature which went into office after the establishment of the present State government.

Question. You referred to two years?

Answer. Yes, sir; the assessment of 1869 and 1870.

Question. And think that assessment met the expenditures of the State government?

Answer. Well, I have not examined with a view to that, but I have presumed that they ought to have largely exceeded the expenses of the State government.

Question. Do you know how much the legislature last winter cut down the taxation upon real estate?

Answer. Yes, sir.

Question. How much?

Answer. They brought it down from 75 cents on the hundred dollars to 50 cents on the hundred dollars' worth of property.

Question. Are you aware that the State treasury is empty and that warrants are being sold on the State treasury in the city of Montgomery at present?

Answer. No, sir; I never heard of it before. I remember that a reduction of the rate of taxation was recommended by the governor of this State, Governor Smith, but his recommendation was not complied with by the legislature.

By Mr. RICE:

Question. I will ask you if the legislature, under the government that went into

operation in 1868, did not have to provide for the expenses of reconstruction in addition to the ordinary expenses of the government?

Answer. I cannot state positively how the fact is, but my impression is that those expenses had been provided for by the previous legislature.

By Mr. BUCKLEY:

Question. The expenses of the constitutional convention, at least, were not provided for by any previous legislature?

Answer. I am not sure about how that is.

Question. It was not known until after the reconstruction acts were passed that there would be a convention?

Answer. No; but the legislature, you know, continued in office, the provisional government continued in force, until July, 1868. The convention met in 1867, did it not?

Question. November, 1867.

Answer. November, 1867; and the expenses of holding that convention were ascertained before the provisional government went out of existence.

Question. But the tax was not levied?

Answer. No, sir; but whether the expenses of that convention were provided for by the provisional government or left to be provided for by the government established under the constitution I do not remember.

By the CHAIRMAN:

Question. You have stated that immediately after the war there were a great many violations of law by colored people. What was the character of those violations of law?

Answer. Well, I think they were generally misdemeanors, sometimes graver offenses.

Question. Was there not great destitution among the people of this State, white and colored, for two or three years after the war, and did you not have two or three bad crops after the war?

Answer. There was considerable destitution, much greater in some localities in the State than others, of course.

Question. Where, as you say, stock on the farms was killed by the negroes, was it not on account of their destitution and in order to relieve their hunger?

Answer. Well, sir, I do not think that at any time there was much destitution among negroes who were willing to work. There never was a time when a laborer could not get pretty fair wages for his labor; and these depredations that were committed were generally committed by idle negroes, not disposed to work.

Question. Was there not, measurably, a failure of the cotton crop for two years in succession after the war?

Answer. I think there was.

Question. What means had they, then, of relieving their wants?

Answer. Although there was measurably a failure of the cotton crop, cotton commanded pretty good prices, and they were generally paid their wages.

Question. You have spoken of the organization of Loyal Leagues after the war. Was it understood that those Leagues embraced principally colored men?

Answer. Principally colored men, though there were some white men who were members of it.

Question. Their number was infinitesimal, was it not?

Answer. I suppose it was, though my knowledge as to the number of white men who joined them is very limited.

Question. You have said that the purpose of the Loyal League was not understood. Allow me to inquire whether there was any difficulty in worming from the simple-hearted negro all the particulars of that organization, what its objects were, what it contemplated, and what it was doing?

Answer. I cannot answer that question, never having made any such effort.

Question. Did you understand that any acts of violence, any violations of law, were ever countenanced or approved by this organization, or inspired by it?

Answer. I do not know that I did. My knowledge of the Loyal League is, as I stated before, exceedingly limited, only going to the extent of the fact that there was such an organization, that they met frequently at night, that inflammatory harangues were made to the negroes; and that in that way, and through the appeals which were made to them at these gatherings, the antagonism of race was very greatly excited, and thus violations or disturbances of the peace were made more likely.

Question. Did you ever hear any of these inflammatory appeals yourself?

Answer. Not in the Loyal League. I never was at any of their meetings.

Question. Outside of the Loyal League did you ever hear any inflammatory appeals addressed to the negroes; did you ever hear any one counseling them to acts of violence in any public address?

Answer. I have very rarely attended public meetings of negroes since the war. Only on one or two occasions was I present, and then only for a few minutes. I did hear, I

think, on two occasions, a negro man of this place, named George Williams, making speeches to negroes, and parts of the speeches which I heard I thought were well calculated to at least stimulate a hostility to the white people, and put the negroes in a state of mind making them ready for difficulties with white men.

Question. You may state the points which he made to his colored friends from which you drew that inference.

Answer. I cannot undertake to do that at this day. I only heard him for a few minutes in passing. I simply stopped and heard his speech. I recollect he alluded to the wrongs of the negro in days of slavery, and the fact that all the wealth of the white man had been made by negro labor, and that the negroes were entitled to their fair share of all these accumulations; and the general tendency of what I heard him say was that the white man was the enemy of the negro; that he had been and was still his enemy.

Question. Did he argue agrarianism to his colored hearers, or agrarian doctrines?

Answer. I thought the tendency of what little I heard was in that direction.

Question. Did you ever hear of the democratic executive committee of this county importing two democratic colored speakers, one from Tennessee and another from some Northern State, to address the colored people here?

Answer. I know that, although not here at the time. I heard that a colored democratic speaker from Tennessee came here to speak.

Question. The point is whether these colored speakers were imported here by the authority of the democratic party of this county?

Answer. I was about to answer that part of the question. I have no knowledge in the world on the subject. I was not here when the man came, and do not know how he was brought here.

Question. Did I understand you to say that good, respectable men of Madison County were understood to have joined this Ku-Klux organization, and to have adopted and worn the absurd and grotesque disguises of that order?

Answer. As I stated before, I do not know any man who was ever in that organization; but about the time when it was first understood that there was such an organization, I heard and believe that some very good men were in it. I never heard any names mentioned; but that was the character of men I heard it suggested were in the organization.

Question. And rode about at night in these fantastic disguises with their horses disguised? Do you think that could be true of good, respectable citizens?

Answer. I have no doubt it was to some extent. I suppose that was more true of the young men than the men of more mature years.

Question. I wish to ask, in addition to what my associates have inquired of you already, a few questions in relation to the taxes of this State. In the first place, let me inquire how often the property, personal and real, of citizens of this State is appraised for taxable purposes?

Answer. Every year.

Question. I understood you to say that the whole taxable wealth of this county in the years 1869 and 1870 was in the neighborhood of \$8,000,000?

Answer. Yes, sir.

Question. Now, what was the rate of taxation for the year 1869 upon every \$100 worth of taxable property?

Answer. Seventy-five cents on each \$100 worth.

Question. For State purposes?

Answer. State purposes.

Question. And the same amount for county purposes?

Answer. The same amount for county purposes.

Question. So that a man owning \$100 worth of property, personal or real, would pay for all purposes \$1 50 of taxes for that year?

Answer. For every State and county purpose.

Question. For what other purpose did you levy taxes besides State and county purposes?

Answer. Well, in towns and cities like this there are corporation taxes.

Question. I am not asking in relation to corporation taxes, but in relation to taxes outside of cities?

Answer. No other purpose; no other purpose of taxes on property.

Question. The city taxes would of course be regulated by the common council?

Answer. Yes, sir.

Question. A large city would judge for itself of the objects of expenditure and the amount that should be raised?

Answer. Yes.

Question. Now, before the war what was the rate of taxation for State and what for county purposes?

Answer. Before the war the tax on real estate was one-fifth of one per cent.—20 cents on each \$100 worth of property.

Question. Did that include slaves?

Answer. No, sir; I said on real estate. The tax on slaves was a specific tax regulated by the age of the slaves, and the taxes on personal property generally were specific taxes—no regular *ad valorem* tax on personal property.

Question. How is your property valued for the purposes of taxation generally? At about its fair cash value or below that?

Answer. Well, in this county, for the last three years, I think it has been valued at full cash value. That is the prevailing impression; and my impression is that it has been the purpose of the present commissioners to value it at the real cash value.

Question. Under your system of State taxes before the war, had your State drifted into debt?

Answer. The State debt before the war was not large in comparison with the resources of the State.

Question. About how large was that debt before the war?

Answer. My recollection about amounts is so imperfect that I dislike to state amounts; but I think that between four and five millions was the extent of the bonded debt of the State.

Question. Had you any county debt before the war?

Answer. As I stated before, I did not reside in this county until after the war.

Question. I did not know but that your examination of the records in preparing the tables you have presented here had enabled you to answer that question?

Answer. No, sir; but I believe there was a bonded debt of the county.

Question. Has that debt been reduced since?

Answer. I do not know how that is. I presume they have simply paid the interest.

Question. How do you know but what some of the amounts levied and collected for county purposes for 1869 and 1870 were applied to liquidate the principal of the county debt?

Answer. I do not know that. It may have been the case; I do not know.

Question. I would inquire of you whether this county has not since the war purchased a poor-farm of several hundred acres in the neighborhood of your city?

Answer. Yes, sir; purchased it and has since sold it.

Question. Do you know how much was paid for the poor-farm?

Answer. No; I have really forgotten, sir; but I have the impression that the county perhaps in the subsequent sale kept itself whole; that it lost nothing by the transaction but I am not sure about that. I know it was bought and sold.

Question. Does your county levy taxes to build and improve highways?

Answer. No, sir; not for the purpose of improving the public roads; it does for the purpose of building bridges.

Question. Have you any iron bridges in this county?

Answer. I think none.

Question. You say the bridges existing before the war were some of them destroyed during the war?

Answer. Yes, sir; I think that is the case. I am pretty confident it was, though I cannot speak from personal knowledge on that subject.

Question. Will you please enumerate the items of county expenditure? I wish to learn for what purpose your county taxes are expended. Please give the different heads of expenditures.

Answer. Well, the county has charge of all public buildings; the erection and repair of public buildings, such as jails and court-houses; the erection and repair of bridges across streams. Some portion of the expense of the administration of public justice is paid by counties; criminal cases mainly out of funds which pass into the county treasury from fines and forfeitures in criminal causes.

Question. Does your county support the poor?

Answer. Yes, sir.

Question. Is not that usually a very large item of expenditure?

Answer. I do not think it is, sir, though I have never examined the figures on that subject. From my impression as to the number of the destitute in this county I should not think it would be very large.

Question. Does your county pay the expenses of capturing, keeping, and maintaining criminals until trial?

Answer. No, sir; that is paid by the State.

Question. Does your county pay the expenses of bailiffs and officers of the court?

Answer. I think that most of those expenses are paid by the State.

Question. Does your county pay the expenses of criminal prosecutions where the accused is acquitted or where the fine and costs in cases of conviction cannot be collected from him?

Answer. I used to be very familiar with all our legislation on those subjects, but it has been a long time since. Where the parties are convicted in criminal causes and are unable to pay the costs, prove to be insolvent, I think that the witnesses' certificates are receivable at the county treasury in payment of fines and forfeitures.

Question. In payment of fines and forfeitures against that witness?

Answer. Yes, sir; against the defendants in criminal causes where the defendants are convicted and fined, or where defendants are recognized for their appearance and fail to appear and default is taken against them; or forfeitures of witnesses.

Question. Do you mean that witnesses are paid out of that fund?

Answer. Yes, sir.

Question. Suppose that fund is insufficient?

Answer. Then I do not think they are paid at all, sir.

Question. Are your county officers paid out of the fund produced by the county taxes?

Answer. Well, the tax assessor and tax collector are paid out of the taxes. They get a certain percentage on the taxes.

Question. After they are collected and paid into the treasury?

Answer. Yes, sir; they are deducted from the taxes collected; they get a certain commission.

Question. I wish to understand that a little more. Here, for example, in 1870 you report \$56,733 70 collected of county taxes. Is that exclusive of the amount paid to the assessor and collector, or inclusive?

Answer. No, sir; that is the entire amount. These statements are taken from the assessment books and show the entire amount.

Question. This does not show the amount actually collected, then?

Answer. No, sir.

Question. What is generally, one year after another, the amount of delinquencies?

Answer. Very small, sir, very small—not more than \$2,000 or \$2,500 a year.

Question. Assuming the assessment to be this sum which you have given, the fees of the assessor and collector must be taken out of the sum assessed?

Answer. Yes, sir.

Question. What other officers have you in the county that are paid out of this fund for their services?

Answer. Well, the county treasurer, I believe, is.

Question. He is paid, I suppose, a certain per cent. on the amount of collection?

Answer. I think he is.

Question. Have you a county auditor?

Answer. No, sir.

Question. What officer stands in place of county auditor?

Answer. Well, the court of county commissioners; and they are paid a certain per diem for their services.

Question. Are they paid out of this county fund?

Answer. Yes, sir. They have quarterly meetings. They have three or four county commissioners besides the judge of probate, who is *ex officio* member of the board of county commissioners and presiding officer of that court.

Question. Is he paid out of this fund?

Answer. I think only as a member of the commissioners. His ordinary compensation is derived from his fees in his office.

Question. Is anything paid to the sheriff from this fund?

Answer. I think not.

Question. How does he derive his compensation for services which he renders for the county?

Answer. Well, now, perhaps I am mistaken in saying the sheriff gets nothing. He does get, I think, on reflection, an annual allowance for his general services. I am not sure whether that is paid by the State or county, but it is for his services in attending prisoners and carrying them to the penitentiary, and feeding prisoners.

Question. And for summoning grand and petit jurors?

Answer. He gets no compensation from the county for that. He gets an annual compensation. I do not remember whether it is paid by the State or county, but it is for his ordinary services outside of what he gets as fees, such as attending prisoners. He is, by virtue of his office, jailer for the county, although he often does employ others to keep the jail. He gets the fees, and he presents his account for fees for services of that description to the legislature at each session. If his accounts are approved by the circuit judge and found to be correct, the legislature is in the habit of passing acts appropriating a sum sufficient to pay off his account.

Question. Did I understand you to say there had been any new county offices created under the new constitution?

Answer. No, sir; I said nothing about county officers that I recollect. I do not think there have been.

Question. Has there been a general increase in the fees of officers, witnesses, and jurors?

Answer. I have not paid special attention to the question, and I am not able to answer it.

Question. Finally, do you think that a tax of \$56,000 or \$57,000, for county purposes,

upon Madison County which has a taxable wealth to the amount of near \$8,000,000, is an excessive tax, or a burdensome tax?

Answer. I think that the State and county taxes combined—

Question. I am not asking now in relation to State taxes at all. My question has direct and specific relation to county taxes.

Answer. Will you repeat it?

Question. Do you think a tax of \$56,000 or \$57,000, for county purposes, an excessive or burdensome tax upon Madison County, which has a taxable wealth of near \$8,000,000?

Answer. As compared with the county taxes to which we were subject before the war, it is an excessive tax.

Question. But I understand you to say that you are not prepared to assert that this expenditure has been unwise or uncalled for?

Answer. No; I have no such knowledge of the expenditure which has been made of the sums raised in this county for county purposes as would justify me in assailing it as unwise or improper. All that I say is, that the sum raised is greatly out of proportion to what our people were accustomed before the war to pay for the same objects, or the same class of objects.

By Mr. BLAIR:

Question. When they had a much larger amount of property?

Answer. A much larger amount of property.

By the CHAIRMAN:

Question. They had no burnt or destroyed bridges to provide for before the war, had they?

Answer. I do not know of any, though I was not familiar with this county, not very familiar with it, not being a citizen of it. I presume, however, that it was not at all common to have to rebuild burned bridges.

Question. Have you a State auditor?

Answer. Yes, sir.

Question. Does your law provide for an annual publication by the auditor of state of the amounts received under your State taxes, and of the manner of their disbursement?

Answer. Such annual publications are made, and I presume they are required by the law, though I do not remember to have examined it with a specific view to that point.

Question. Any person can, therefore, at any time, inform himself for what purpose every dollar paid into the State treasury has been disbursed?

Answer. Well, I cannot say that he could. It would require a kind of investigation to which not very many of our people are well fitted. I have looked at some of these auditor's reports myself.

Question. Have you any difficulty in understanding them?

Answer. I cannot say that I have any difficulty in understanding them, but I would have, perhaps, an insuperable difficulty in ascertaining from them exactly how all the public moneys have been appropriated.

Question. Did you take time to refer to the laws under which the moneys were appropriated or paid out?

Answer. No; I have made no such investigation as I might have made if I were bent upon ascertaining how the public moneys had been expended.

Question. Does not your law require that an annual exhibit shall be made by your county officers of the amount of money collected for county purposes, and how the sum has been disbursed; and is not that exhibit regularly made every year, so that every citizen may know just where the taxes have been applied?

Answer. I think that such exhibits are made—at least an exhibit showing the collections and disbursements—and I presume that they are required by law.

Question. I neglected, in the proper connection, to inquire of you whether all matters relating to the furnishing of your public buildings, and fuel, and lights, and stationery for the offices, are not paid for out of the county fund?

Answer. The repairs of public buildings are paid for out of the county fund.

Question. How is the furniture paid for?

Answer. And the furniture, to some extent, if not entirely; but I do not know about that. I believe that the stationery is.

Question. I suppose your court-house and your public offices are warmed and lighted at the county expense?

Answer. Yes, sir; I think they are.

Question. I desire to learn your opinion as to the number of men in Madison County who are disqualified from holding office at this time under the fourteenth amendment?

Answer. Well, sir, it would be a mere conjecture if I should answer that question.

Question. I want your opinion.

Answer. My answer to that, of course, would depend to some extent on how far the disqualification effected by that amendment would go. If that amendment is held as disqualifying from office all the citizens of this county who held any office under the State government, including such officers as justices of the peace, constables, and members of the commissioners' court, clerks and registrars of courts, as well as officers of a higher grade, and as also including persons who had held offices under municipal corporations, such as the mayor and aldermen of a city or town, I should say that the number of persons disqualified by the amendment in this county would probably reach 500; it might be more; it might be less. It is a hasty conjecture made without time for inquiry or reflection.

Question. Did your old constitution, or the laws in force previous to the rebellion, require that such officers as you have named, constables, aldermen, &c., should take an oath to support the Constitution of the United States before being inducted into office?

Answer. Well, I will not undertake to say positively, but my best impression is, that under the old constitution and laws as they stood before the war, all public officers, provided for either by our constitution or State laws, were required to take an oath to support the Constitution of the United States.

Question. You think there are that number of men who have taken that oath and have violated it by entering into the rebellion voluntarily, do you?

Answer. No, I do not. I think there are that number of men in this county who had taken that oath, and who had engaged in the rebellion.

Question. The distinction you mean to draw, I understand, is that they did not necessarily violate their oaths in entering the rebellion?

Answer. Yes, sir.

Question. Then you do not regard such persons as had taken that oath, and had voluntarily gone into the rebellion, as having levied war against the United States?

Answer. Well, according to the view which I hold—and on this point I speak only my own view, not answering for that of others, though I believe it was the prevailing opinion in this State—our citizens were absolved from their obligations of allegiance to the United States by the act of the State in withdrawing the powers which it had granted to the United States.

Question. It followed then, as a consequence, of course, that they ceased to be citizens of the United States from the time when the act of secession was adopted, I suppose?

Answer. In the view which prevailed with the great majority of the people of this State, I suppose that would have been the consequence.

Question. Not to pursue that matter any further, I wish to inquire of you whether any one of these men who were banded together in greater or less numbers and disguised, and who, under cover of night, committed outrages upon person and property, from first to last, has been convicted in the courts of Madison County?

Answer. I cannot recall any such conviction, nor can I recall any case in which the perpetrators of such outrages became known to those whose duty it was to prosecute them. I know, in some instances, very great efforts were made to ascertain who the perpetrators were.

Question. Until recently, was there any concerted, united, hearty action upon the part of the leading men of the community to detect and bring to justice these criminals?

Answer. Latterly, in this community, there has been no necessity for any such concerted action, and I do not believe that at any time has there been among the body of the people a disposition not to prosecute those offenders.

Question. My question is whether an earnest, determined effort was made, upon the part of the citizens, to ferret out and discover who these offenders were, and to take active and energetic measures to secure them and bring them to punishment?

Answer. Well, I think that efforts were made.

Question. Will you state by whom, and when, and in what manner such efforts were made?

Answer. Well, in the case which is freshest in my recollection, the case of this man Thompson, to whom I referred just now, I know that his relatives and friends made very considerable exertion to ascertain who the offenders were, and I think there was a very general desire in the community to prosecute that inquiry.

Question. He had influential friends?

Answer. Yes, sir; he had.

Question. But in the case of an obscure, helpless negro, who had no friends to take his part when a gross outrage was committed upon him, if he were cruelly whipped or shot, but not killed, or hung, or any other outrage committed upon him, was there such a hearty, earnest effort upon the part of the citizens of this county to find out and punish the violators of the law?

Answer. Well, sir, I know of no such instance as you have described in this county. I cannot recall any, though I do not pretend to say that such cases did not occur.

Question. Would the public heart have been moved to any considerable extent if such a fact had been generally known?

Answer. I think there would have been a general disposition to prosecute and punish the offender. Of course the character of public indignation, the amount of public indignation, always depends, in these cases, upon the character of the person who has been injured or slain, and in the case of a very obscure man, or a person of worthless character, there would not be the same amount of interest felt or manifested by the people as in the case of a valuable and well-known citizen; but I do not think there has ever been a time in this county, at least not for the last three or four years, when an injured negro would not have found efficient friends among the white men of the county, especially among those who, in the days of slavery, were masters of slaves.

Question. Has there been, so far as your knowledge extends, any effort upon the part of the press in this county, or any portions of it, or on the part of its leading citizens, to hush up or conceal, or to excuse or mitigate these offenses, where they have been committed?

Answer. I know of no such effort.

Question. Where accounts have appeared in northern papers, furnished by correspondents, of outrages here and there in the State of Alabama, has not the democratic press made studious effort to deny the existence of these outrages, or if not to deny them, to insist that they have been greatly exaggerated?

Answer. Well, so far as I know or believe, there has been no effort on the part of the democratic press of this State to deny any outrage which has been actually committed, but there has been a disposition to deny imputed outrages falsely reported by correspondents of northern papers.

Question. Does not the democratic press generally attempt to discredit all such statements?

Answer. I think the democratic press of the State has attempted to discredit the numerous false statements on these subjects which have appeared in the northern papers.

Question. How do you know they were false? You assume that they were false. What means have you of knowing that fact?

Answer. From a general recollection of the character of such communications which came under my own eye. In some instances they stated offenses which had been, in point of fact, committed, and I do not remember ever to have seen any such statements assailed by the democratic papers, though I do not pretend to say that that may not have been done.

By Mr. RICE :

Question. I believe you stated that there was a general belief that there had been a misappropriation of the funds of the State by officers of the State?

Answer. I do not know that I stated it in those terms.

Question. State it in the terms in which you wish to express it. I simply wish to ask another question based upon that statement.

Answer. I stated that there was a general belief among our people that the public moneys had been very wastefully expended.

Question. I will ask you now if the lower house of the last legislature was not democratic?

Answer. In the last legislature the lower house was democratic.

Question. Was there anything to prevent them from ascertaining, through a committee of investigation, exactly how the moneys had been expended, if there was any real ground for the belief that they had been wastefully appropriated?

Answer. Well, many of the appropriations were in public lands, which exhibit on their face the character of the appropriations.

Question. Then you do not mean to say that the officers themselves have appropriated money contrary to the authority of law?

Answer. I do not mean to express an opinion upon that subject, one way or another, having no such personal knowledge as would justify me.

Question. If the legislature had such an opinion, the lower house could have investigated that subject?

Answer. And possibly did. In the case of the former superintendent of public education, there was a wide-spread belief, which I do not think was confined to the democratic party, that that officer had been guilty of misappropriation of the public funds in his hands.

Question. Was that investigated?

Answer. I think it was. I do not know whether it was by the last legislature or the preceding one. I believe it was, perhaps, by both.

Question. Then the republicans do not attempt to cover up and shield the men who commit these frauds, where any are known to have been committed?

Answer. Well, I have no amount of personal knowledge on that subject which makes me willing to express a very decided opinion on the question one way or the other.

By Mr. BUCKLEY :

Question. In your testimony you alluded to the antagonism of races. Do you think it exists to any considerable extent at the present time in this State?

Answer. I think that feeling is gradually dying out, and would have been much less at this time but for the persistent efforts of interested politicians to stimulate it.

Question. Do you think there is any other way for the two races in Alabama, being nearly equally divided, to live peaceably together, except upon the basis of civil and political equality before the law?

Answer. I think that the right of suffrage having been bestowed upon the negroes, any attempt now to withdraw it from them would be attended with very great danger to the public peace.

HUNTSVILLE, ALABAMA, *October 14, 1871.*

LEWIS JACKSON (colored) sworn and examined.

By the CHAIRMAN :

Question. Where do you live?

Answer. I live in town here. I had to move away from Stevenson. They tried to get after me in the night once and couldn't get me, and then they tried it in the day-time.

Question. Who came after you?

Answer. The Ku-Klux disguised, in the day-time. I went off on the public works at work, and they came and took me off in the day-time, and carried me and put me in the old block-house in Stevenson. It was cold, and they liked to have frozen me to death. They wouldn't allow me any fire. Some one on Sunday night shot into Marion Mack's house; he keeps store there. They came up and allowed they could make me tell something about it, and put me in the block-house. Mr. Van Horn found they wouldn't have any trial; they allowed to take me out about two o'clock. The trial, they put it off until night, and Mr. Van Horn saw they were putting it off until night for some devilment, and he sent for some soldiers, and they came about six o'clock at night, just as these men got me out of the block-house. Mr. Burns, the squire of the town, put me in there. He wouldn't give them the key to get me out. They came with an ax.

Question. The Ku-Klux did?

Answer. Yes, sir; and broke the staple off the door and took me out; and about the time they got me out the soldiers came up, and Marion Mack went up and told them the soldiers was coming, and they all disbanded and run off.

Question. How many Ku-Klux were there?

Answer. I reckon there was pretty nigh a hundred of them.

Question. Did they have disguises on?

Answer. Yes, sir; and after they got the door open and came in to me, (I was standing at the time,) he says, "Tell me something about this shooting." I told him I didn't know anything about that; on Sunday night I was at home. He says, "If you don't tell me I will blow your brains out." I says, "Kill me; I have but one time to die, and I will die before I will tell a lie. You can shoot me down." He had his pistol cocked in my face. He didn't have any hat on, but his mask over his face. I was not any more scared than nothing. If he had killed me it would have been my time to go, I reckon, but they couldn't scare me.

Question. About that time the soldiers came?

Answer. Yes, sir; they run up on the train. They tied me then, and the rope they had to hang me with they tied me with, and carried me down to the soldiers, and gave me up to the soldiers and carried me to Mr. Van Horn's hotel, and they asked, "What does this mean; you have this man tied?" They said "We took him up on suspicion; we don't know that he did anything, but we wanted to know." He says, "That's a pretty way to do." They gave me up to the soldiers, and they went off. That was done by the citizens of the town. The Ku-Klux had run off with the disguises on, and were gone.

Question. Did you stay there after that?

Answer. They sent down to Bellefonte and got Snodgrass—he is what you call a lawyer—and he pretended it would not do to have a trial, and they sent down here and got the officer—a Yankee officer—and the Yankee officer came, and they wouldn't have any trial. When they went to go before Mr. Rice, they said, "You had better drop it; we don't know anything he has done." I said, "No; if you can prove anything on me, do it. You took me up, and put me in the block-house and nearly froze me, and now the officer has come, prove it. If the law can make anything off of me, do it." Then this Mr. Burns said, "Lewis, you had better drop it; they are willing to drop it." I says, "I am not willing to drop it; carry it out."

Question. How long did you stay there after that?

Answer. The soldiers came in that night, and I came away that night; I came away with them.

Question. Have you been there since?

Answer. I went up there two weeks ago on the section, loading iron.

Question. Were you a Union soldier?

Answer. Yes, sir.

Question. In the Federal Army?

Answer. I belonged to the Fortieth U. S. Tennessee.

Question. What did the Ku-Klux say to you about your having been a Union soldier?

Answer. They said when I was in the field packing my gun they didn't think it would be their time next, but it was their time now.

Question. Did they call you a radical, or accuse you of being a republican?

Answer. Yes, sir.

Question. Did they tell you who they wanted you to vote for?

Answer. They tried hard to get me to vote for Seymour and Blair, but never could get me to do it. They had that against me at Stevenson.

Question. How many were there in this Ku-Klux Klan when they came to see you?

Answer. Only three. They came on horses with the horses wrapped up in sheets or something of the sort. They were wrapped up all in white, and they came to my gate. I was sitting down. I had just come off the road and was eating supper, and some one holloed very rapid, "Hillo!" I said to my wife, "Who is that holloing at me; nobody has no business with me at home." I went to the door and peeked through a hole, and saw it was a Ku-Klux. He had on a high hat sitting on the horse. I said, "Sally, it's Ku-Klux." He says, "Come out here. We want to talk with you." I said, "I am not coming out there. I have no business with you." He says, "I'll shoot you," and he jumped down off his horse. I said, "If you come into my house you will not go out," and I hustled about as though I was getting something, and he rode off, and shot when he got off a piece. As he rode off I shot at him.

Question. How long was it before they came again?

Answer. This was on Friday, and the next time they fixed up Saturday evening.

Question. How many came?

Answer. About twenty-five. They came bellowing just like bulls. I ran out and heard them coming and bellowing around the fence. I says, "Sally, yonder comes the Ku-Klux, about twenty-five of them," and I ran in the house and bolted the door, and had my pistol all loaded six times, and I had a hole to shoot at them, and my wife says, "Jackson, don't shoot them; they are too many; they'll overpower you and kill you," and I wouldn't shoot. I saw that if I staid in the house they would get me anyhow. I had a window at the back part of my house, and jumped out and started, and as I started over the fence, he says, "Where are you going?" I says, "I am going about my business. I can't stay at home." He says, "You have got to come down with us in the woods." I says, "What do you want of me there? I have done nothing." He says, "We want to talk to you; we are not going to hurt you; we want to give you good advice." I had my gate locked, and they couldn't get in my yard. It was paled in, and this man got in the yard pulling off a paling. He says, "Go and unlock that gate, and come on with us." I was sidling along as though I was going to that gate, and I got to the garden gate and jumped through, and took off through the garden as hard as I could run. My wife is pretty brave. She says, "I am going down to Stevenson, now, to see how many is out of Stevenson; going around to every place," and as soon as she said that, they all broke off and run over toward Stevenson, and I was running too, at the same time, the other way. I thought they were after me, and you never saw any one in your life go for it like I did when they were leaving.

Question. Were they on horseback?

Answer. No, sir; they were walking every one of them. I reckon they were. I was scared nearly to death. I went off and went clear to Chattanooga; I walked all the way.

Question. How far is it from Stevenson to Huntsville?

Answer. I walked to Chattanooga.

Question. You were living at Stevenson?

Answer. Yes, sir.

Question. How far is Stevenson from here?

Answer. I have no idea.

Question. What county is that in?

Answer. Jackson County, Alabama. I believe it is called seventy-five miles.

Question. Have the Ku-Klux ever disturbed you since?

Answer. Not since I came away from there. I have been getting along very well.

Question. Did you ever vote up there?

Answer. I voted for Grant. I never has voted no other ticket since I has been free but the radical ticket. I never expect to vote for a democrat while I live. I can't help what they do. If they kill me, I never expect to vote any other way.

HUNTSVILLE, ALABAMA, October 14, 1871.

ENOCH ALLDREDGE sworn and examined.

The CHAIRMAN. As this witness is called by the minority, I will request General Blair to conduct his examination.

By Mr. BLAIR:

Question. Where do you live?

Answer. In Blount County, in this State.

Question. In what portion of the county?

Answer. It is six miles beyond Summit; it is four to Brooksville, and two beyond that.

Question. How long have you lived there?

Answer. I have lived in the vicinity and near Brooksville until last year for thirty years. I have lived in the county, with the exception of eight months, ever since December, 1816. I was quite a child when I came in.

Question. Have you ever held any public position?

Answer. Yes, sir; I have held some little public offices in my time.

Question. What were they?

Answer. Various little things.

Question. Member of the legislature?

Answer. Yes, sir; I have been a representative in the legislature at different times.

Question. For how many years?

Answer. I have held a seat in the legislature, or occupied a seat there, twenty-two times in my life, and I have held other little offices under that.

Question. Do you know a man by the name of Shapard?

Answer. I know a man by the name of William Shapard. He is called Shepherd. I do not know how he spells his name.

Question. The same man who has been testifying before this committee here?

Answer. I suppose so; I do not know any other man in the county by that name. The man I know is an old-like, tallish man, grayer than I am, but perhaps not older.

Question. What is his character?

Answer. Well, his character is, as a general thing in the country—we have not lived far apart a great deal of our time, and do not now; it is only five or six or seven miles—is not reliable for veracity or fairness at all. I do not think that he is charged with stealing things, but he is charged with being a meddlesome, vindictive, mischief-making kind of a man, and pretty artful in it, too.

Question. From all you know of him and his reputation, would you believe him on his oath?

Answer. I could not, sir; I regret to have it to say.

Question. Is that his reputation in the country?

Answer. I reckon, sir, that that could be proved by many a one. That statement would be made here, if they were ordered. It is generally understood that Shapard was a very unreliable man, and one that men would not trust in a court of justice as a witness.

Question. Do you know a man by the name of Horton?

Answer. Yes, sir; several of that name.

Question. Samuel Horton; an old man?

Answer. Yes, sir.

Question. What is his character?

Answer. His character is not as good as the other man's, scarcely. He is thought to be as unreliable as to veracity on oath, or otherwise, as the other could be, and then he stands implicated as meddling with other people's property, slightly.

Question. How?

Answer. Well, stealing hogs. I do not charge the old man with it. I know nothing about it myself.

Question. That is his reputation?

Answer. Yes, sir; but in a legal sense, personally, I cannot tell you anything about that. I never saw the old man do anything wrong; but he is a very unreliable man, I know.

Question. Did you ever hear anything in regard to a certain child of young Horton's, that was said to have been exposed at a camp ground, at Gum Grove?

Answer. Yes, sir; I heard it said there were men there who were supposed to be disguised, who fired off guns that night, and frightened the congregation to some extent, and there was a lady there that when her child was born it was very deformed, and had long ears, and a hood, and things like a Ku-Klux dress; something in that form. The child was born, and there was a good deal of neighborhood talk about that. I heard two ladies speaking about it, a Mrs. Stewart and a Mrs. Hall. They said they went to see the lady herself, and particularly to see the child, and they said it was all a lie; that it was a proper child. That is hearsay again; I know nothing about that child. I really do not know whether it is dead or alive, but I think it is dead.

By the CHAIRMAN:

Question. Where did they say they saw the child?

Answer. At Horton's. They went there on purpose, directly after it was born. As to the truth of what they said, I know nothing about that.

By Mr. BLAIR:

Question. Are they reputable people?

Answer. Yes, sir; they stand fair, I believe, as ladies generally do that behave themselves, in our country.

By Mr. RICE:

Question. Did you hear any one state that it was deformed?

Answer. No, sir; only the neighborhood rumor. I did not hear any one say they had seen it, if it was really deformed. I heard these ladies say they did see it, and it was a proper child. That was the very language they used.

By Mr. BLAIR:

Question. Do you know anything, or have you heard anything, of any Ku-Klux over in that country?

Answer. Last winter was a year, I can state in a legal sense, may be, I saw a squad of men that were disguised; one I know was; I invited him down; they called at my gate; my son and me were living together; it was a moonshiny night; it was early in the night; we had not gone to bed; and one of them said he would get down and come in, and he did get down and talk foolishness awhile, and the others staid out and did not get off of their horses; they assembled under a large tree that had no leaves on, but the top dimmed the moonlight, and I could not see them very distinctly; but I then thought, and think still, that they were disguised men. As to hearing of men of that sort doing anything in the country, or committing anything like a raid or anything of the kind, I have not heard anything of that for some time, not perhaps within this year; may be, the first part of the year there may have been something of the kind that I heard of; I think, may be, there was one little one that was charged as being men who were playing off upon Ku-Klux, but that I know nothing about more than I heard the rumor in the country.

Question. Is there any difficulty in executing the law in your county?

Answer. No, sir; not any that I know of; I have been at all of the courts.

Question. Is there peace and good order, generally, among your people?

Answer. Yes, sir; peace and good order, and more industry and energy and enterprise being used there than ever before, and my opinion is, and I get it from exchanging opinions with gentlemen all over the country, without distinction, that all good men want law and order, and they are determined to have it if they can get the administrators of law to discharge their duties, and I think they are faithful in their offices.

Question. Is it true that Horton was driven out of the county?

Answer. No, sir; it was true—but that is a matter of public record—that he engaged in one of these anti-Ku-Klux raids, and was presented and indicted, and he ran away.

Question. An anti-Ku-Klux raid?

Answer. Yes, sir; it was about that.

Question. What did he do?

Answer. He went around to as good men as there are in the county—I suppose from what I heard, for I did not see the raid, there were some twenty-five or thirty of them—and gave these men their time to leave, or that they would hang them. They did not go. Well, Horton was one among others who were identified and indicted by the grand jury; he gave bail to the amount of \$200, and put property in the hands of his securities, and run away, and they have paid it out, I reckon, and the case is thrown out of court and he has come back again.

Question. Do you know Isaac M. Berry?

Answer. I know nothing derogatory to his private character as a gentleman.

Question. Was he on that raid with Horton?

Answer. I think not; I do not think he was charged with that.

Question. He said here, in his testimony, that the others in his neighborhood determined to go around, and did gather up a band of men, and went around to the houses of parties that he suspected of being Ku-Klux, and who were threatening him and others. One person he mentioned by the name of Judge Charlton. He said that the Ku-Klux had threatened Charlton, and had threatened him, and he and a number of other parties went around and notified these suspected parties that they would be dealt with if they did not stop these raids. Was that the anti-Ku-Klux raid you refer to?

Answer. I do not know as to Berry being in that raid; as to going around at any other time, I never heard of it; he might have been in it for all I know.

Question. Were they disguised?

Answer. I do not know whether they were or not; not with robes, I understood, or

anything of the kind, but with the worst clothes they could get; different suits from what they usually wore.

Question. Did they cover their faces?

Answer. I do not know as to that.

Question. You say there was no other raid?

Answer. No other anti-Ku-Klux raid made in that section that I ever heard of except that one, and if he went around at all it was with them.

Question. He said that they notified these persons that they must stop Ku-Kluxing. You say that they notified persons in that country that they must quit the country?

Answer. Quit the country or they would hang them.

By the CHAIRMAN:

Question. How do you know that they did that?

Answer. Only by hearsay. I heard different men that got the notification say so—three or four of them.

By Mr. BLAIR:

Question. And this was the affair for which Horton was indicted?

Answer. Yes, sir.

Question. He would not have run away if he had simply, in this anti-Ku-Klux raid, notified these parties that they must behave themselves?

Answer. I would not think I would run away for that.

Question. That would not be an offense for which a man could be indicted?

Answer. No, sir; but he was identified as one of the party by these gentlemen who were notified. I heard three or four of them say, at different times, that they were notified to leave the country or these men would hang them. Whether they told the truth or not I cannot say.

Question. Who were these parties who told you?

Answer. A man named Stewart, and a man named Estes, and a man named Barnett. Estes slipped out of a back door and laid out all night. The old lady told me they ordered them to step out and see their force; that they were going to overawe everybody.

Question. How many were there?

Answer. I suppose twenty-five or thirty.

Question. Has that been the character of the disturbances in that region of country?

Answer. Yes, sir; so far as I know.

Question. Feuds between individuals?

Answer. Yes, sir.

Question. And bodies of men of that kind?

Answer. Yes, sir; I do not think that good men on either side of parties would coincide in such doings; there may have been some such men; I do not know; I can say, for one, that I was always a law-abiding man; if I do not like the laws as well as I could wish to like them, I always seek a peaceable remedy and try to have them changed the first chance I get; I believe that is the prevailing feeling of the best men in our country there.

Question. Do you think that feeling prevails with a large majority of your people?

Answer. Yes, sir; and I think so of both parties; they want the law carried out to the letter.

Question. Is there any disposition on the part of any large portion of the people, of either party, to interrupt or disturb the others?

Answer. No, sir; in my opinion, there is not.

Question. On account of their political belief?

Answer. Not at all.

Question. Did these disturbances arise out of political feeling or conflicts?

Answer. If they ever have I do not know it; the most that the Ku-Klux have been complained of in that country, first and last, has been for ridding the neighborhood of notorious thieves. If there has been anybody interfered with in consequence of political opinion, I have not heard of it.

Question. What is the political faith of this man Horton and this Shapard?

Answer. They are both republicans, I believe, sir.

Question. Is Horton's son also a republican?

Answer. Yes, sir.

Question. Did you hear of Horton's son being Ku-Kluxed and whipped?

Answer. Yes, sir; I heard of that.

Question. Why was he whipped?

Answer. That was on the road from here to Blountsville; he lived upon it, and, I suppose, it was close there somewhere. It is five miles this side of Blountsville, six miles, or something like that, beyond Summit; I suppose that some gentlemen in this country know something about it, but you gentlemen do not; it is on the road leading to Tuscaloosa.

Question. Why was he Ku-Kluxed or whipped?

Answer. He had married a widow, and he treated the children mighty badly; that was the cause alleged; that is what he told me; that the Ku-Klux told him that it was in consequence of the treatment of these step-children. If a man whipped his wife he was mighty apt to be hauled over the coals about it, and I do not remember of hearing but one instance of that, and that was a rumor.

By the CHAIRMAN:

Question. Where a man was whipped by the Ku-Klux for having whipped his wife?

Answer. Where a man whipped his wife these men were apt to deal with him.

Question. Do you recollect an instance of that kind?

Answer. Yes, sir; and but one; and I do not remember who he was, but I think there was such a case.

By Mr. BLAIR:

Question. Did you know James Horton, another son?

Answer. Yes, sir.

Question. Is he living or dead?

Answer. He is dead, I think, sir.

Question. Did he live near you?

Answer. Yes, sir; he lived within six or seven miles.

Question. Was he whipped?

Answer. If he was I never heard it; it escaped my memory if I did hear it. I do not remember about it. I believe his name was James that died. There were two of the boys; maybe it was him that was whipped about that child; it was, I think, or said to be.

By the CHAIRMAN:

Question. You think James was the one who is now said to be dead?

Answer. Yes, sir.

By Mr. BLAIR:

Question. What is the other Horton's name?

Answer. Basil; they call him Bass; I reckon his name must be Basil.

By Mr. BUCKLEY:

Question. Did you ever hear that he was whipped?

Answer. No, sir; I do not think I did.

By the CHAIRMAN:

Question. There must have been a Ku-Klux order before an anti-Ku-Klux order could have sprung up there?

Answer. There is this about that: I cannot tell you anything more about seeing Ku-Klux except that one time, but it is a fact notorious that no man that has any self-respect would deny that the strong probability was that there was such an order somewhere.

Question. Known as the Ku-Klux Klan?

Answer. Yes, sir; I suppose that is true, but I cannot state of my own knowledge.

Question. I am asking for your information. At what time did this anti-Ku-Klux organization spring up?

Answer. That raid was made this fall was a year ago, I think; somewhere there.

Question. You understood it was got up to counteract this other organization?

Answer. Yes, sir; I did from what they said, and the first trip they made was the one I alluded to, and the last one I have ever heard of.

Question. Did you hear that the anti-Ku-Klux order embraced men of both political parties, or merely of one political party?

Answer. Well, they did not make a political thing of it over there, or if they did, rumor was wrong, for they dealt more with bad democrats than anybody else.

Question. The anti-Ku-Klux did?

Answer. No, sir; the Ku-Klux did. As to this little raid of the anti-Ku-Klux, I do not know anything more of their object except from these men I heard speak of it, whom they gave their orders to leave. They were democrats.

Question. Did you ever hear of a republican belonging to the Ku-Klux order?

Answer. No, sir; I do not know that I ever heard of any man in particular belonging to it, for I do not know any of them, democrats nor anybody else, as to whether they were radicals or democrats, one side or the other.

Question. Were they reputed at one time to be riding over the country frequently?

Answer. Yes, sir.

Question. Visiting people?

Answer. Yes, sir. Last year and some years before I think they did.

Question. What was the character of the acts of violence that they were said to have committed?

Answer. They did not commit anything more than I have been telling you. A man that whipped his wife, they didn't care who he was, they dressed him up some, it was said; and if a man was a notorious thief and did not let his neighbors' property alone they were after him.

Question. How many instances did you hear, from first to last, where the Ku-Klux had undertaken to vindicate the law?

Answer. I could not tell you that.

Question. A dozen, fifteen, or twenty?

Answer. No, sir; I do not think that many; they frequently rode about there; I could hear of them, but nothing was said or done to anybody disrespectful. Sometimes I would hear that they had done some violence to some person.

Question. When did you hear of the first?

Answer. Well, sir, it was in the winter season of 1869—1868 or 1869.

Question. Did you hear of them before the presidential election in 1868?

Answer. I am not certain that I did.

Question. You think it was after that?

Answer. After that, if there was such a thing in our country. We heard of their being such a thing exhibiting itself in other countries through the newspapers, but there I don't think they did.

Question. You belong to the democratic party?

Answer. Yes, sir.

Question. You have been repeatedly trusted by that party?

Answer. Yes, sir.

Question. Sent by that party to the legislature for twenty-two years?

Answer. For twenty-two sessions.

Question. You have been elected by that party to other offices?

Answer. Yes, sir.

Question. Has party feeling in your county been pretty strong since the war?

Answer. No, sir.

Question. Have you any scalawags up there?

Answer. No, sir; nobody that we call a scalawag.

Question. All the white men up there vote the democratic ticket?

Answer. No, sir; the calculation is now that there are two hundred and the rise of what they call there radical votes in the county.

By Mr. BUCKLEY:

Question. White men?

Answer. White men; good citizens, some of them; some of them are my neighbors; one was at my house yesterday.

By the CHAIRMAN:

Question. Any of them from the North?

Answer. No, sir; I don't think any northern people have settled there. I do not remember any.

Question. Is there any prejudice felt against the white men who vote the republican ticket?

Answer. Not that I know of; there is not at my box, Brooksville. We meet and vote our sentiments, and are all friends. We help one another in our neighborhood transactions in the back country, raising houses, &c.

Question. Are there many colored people there?

Answer. No, sir; very few.

Question. Is that a hilly or mountainous country?

Answer. Yes, sir.

Question. Do you raise much cotton?

Answer. They raise right smart of cotton. They have some good valleys, and the mountain land beats anything you ever saw for poor land if it is manured. In the adjoining beat there are a good many negroes; that is away from there.

Question. You never heard stealing alleged against Shaphard?

Answer. No, sir; I think not.

Question. Has he the reputation of being an honest man as to that?

Answer. Yes, sir; as to laying his hands on other men's property, he is not charged with that.

Question. But he is thought to be unscrupulous as to matters affecting his party organization?

Answer. I do not know as to that.

Question. Has he not been something of a politician?

Answer. He would make you and me believe that thing, but he has never held an office.

Question. Has he not talked politics?

Answer. He talks a great deal.

Question. Has he not made himself offensive to his neighbors by that?

Answer. I do not know that he did, but he is an awful mischief-maker, annoying people. That man has done more to get up strife and tried to keep it up than any other man in the county.

Question. If he were swearing upon a matter where he had no interest one way or the other, or where he had as much motive for telling the truth as for telling a falsehood, would you believe him?

Answer. He might accidentally tell the truth if he wanted, but if he didn't want to he wouldn't. I say that, because I heard him swear a mighty bad falsehood one day, and a whole crowd heard him.

Question. In court?

Answer. Yes, sir.

Question. Did he ever swear against you?

Answer. No, sir; we are on good terms.

Question. You never had any trouble?

Answer. No, sir; no unkind feelings.

Question. Did you know you were sent for to come down here to impeach old man Shaphard?

Answer. No, sir.

Question. You have also been on friendly terms with Mr. Horton?

Answer. Yes, sir.

Question. Have you heard him testify in a court of justice?

Answer. I have heard him do the same thing the same day; him and Shaphard both swore false.

Question. Did they have a lawsuit?

Answer. Shaphard had sued Horton and Horton had offsets.

Question. Were you a juror?

Answer. No, sir.

Question. A witness?

Answer. No, sir.

Question. You say both swore a lie?

Answer. The crowd knew that.

Question. How did the crowd know that?

Answer. The justice of the peace cross-examined them until the thing showed itself.

Question. Were they indicted for perjury?

Answer. No, sir; that is the difficulty in our county; crime is let go too loose.

Question. How long ago was that trouble between them?

Answer. That was last year, I think, some time.

Question. That was the time you became satisfied that neither of them was to be believed under oath?

Answer. I had had no confidence in them before that as gentlemen of veracity.

Question. Is there anything alleged against Basil Horton?

Answer. I think not.

Question. Is he a decent young man?

Answer. So far as I know, he is an unsophisticated man, almost a child in regard to acquirements.

Question. You would not hesitate to believe him if he testified?

Answer. I would not impeach him.

Question. You have not heard anything against his honesty or truth?

Answer. No, sir; I have not. I do not know anything about that.

Question. You are pretty well informed about matters in your county or in your neighborhood?

Answer. I used to think I was.

Question. Are you now?

Answer. I think I am.

Question. Are you in the habit of attending the county courts and circuit courts?

Answer. Yes, sir; circuit court all the time, as a general thing.

Question. Are you frequently upon juries?

Answer. I have not been upon a jury since the surrender.

Question. Do you go there as a witness, or a looker-on?

Answer. As a witness, sometimes, and a looker-on.

Question. You like the excitement, of course?

Answer. No, sir; but I think this: I have been treated mighty kindly by these people. I have retired now from all these effective scenes of public life and I like to meet my old friends.

Question. So you go up on court-day?

Answer. Yes, sir; I used to be mighty friendly, as candidates always were, and they

would laugh at me, and say it would not be so if I was not a candidate, and now I meet them more friendly than ever.

Question. You go to shake hands with them?

Answer. Yes, sir; and pass a social minute or two.

Question. Do you know whether any of these men that were said to be Ku-Klux, or engaged in that organization and in its depredations, have been brought to justice in Blount County?

Answer. No, sir; if there was ever one indicted I have not heard of it, but if there was any effort to ferret it out, as a matter of course, I would not know of that, for I have not been on the grand jury.

Question. This Captain Berry was a man of good repute, was he not?

Answer. Yes, sir. I have known him from a child.

Question. A man that attends to his own business?

Answer. Yes, sir.

Question. Did his duty as a soldier in the war?

Answer. Yes, sir, until he quit. He quit like some of us. He was badly treated, and killed a man about it. I didn't much blame him for that.

By Mr. BLAIR:

Question. Which side was he on?

Answer. Berry went out on the confederate side and deserted, and laid in the woods a good deal, and they caught him a time or two, and this fellow had control of him and treated him mighty rough, and he got away, and he did do it.

Question. When did he kill him?

Answer. During the war. I don't remember what year.

By the CHAIRMAN:

Question. He joined the Union Army afterward, did he not?

Answer. I do not know whether he did or not. He crossed the line—the Tennessee River; we call that the line; I understood he did. I never heard him say so.

Question. He is a man whose word you would not dispute?

Answer. If Marion Berry was to come up and put his hand on the Bible, I would not impeach him. I might, if I thought it was pretty strong, say I would not say it.

Question. From his general character, is he a man of veracity?

Answer. Yes, sir.

Question. You would not doubt his truthfulness?

Answer. No, sir. His course and profession I do not appreciate.

Question. That is to say, as a politician?

Answer. No, sir, not entirely as such. There was a time when he was mighty violent and vindictive; he appeared to be revengeful on that question, which I did not appreciate in any way of either party.

Question. On the political question?

Answer. Yes, sir; but I never heard of Berry being charged with anything.

Question. You have been regarded as one of the bright lights of the democratic party there, and an expounder of its principles?

Answer. I don't know as to that.

Question. You have been looked up to as a leading democrat?

Answer. I have always had friends enough to send me to the legislature when I wanted to go.

Question. Have not your democratic neighbors been in the habit of taking their opinions from you a good deal?

Answer. Possibly they have; I do not know. I always thought it was bad sense for them to look on me as a leader.

By Mr. BLAIR:

Question. You say Berry first joined the confederate service?

Answer. Yes, sir, volunteered into it, and was very forward in it, and abused men that did not volunteer as readily as he did. After awhile he quit with them.

Question. Got tired and quit?

Answer. Yes, sir.

Question. You do not know whether he joined the other army or not, then?

Answer. No, sir.

Question. Did you ever hear?

Answer. Yes, sir, I heard he did, and I heard that he did act as a scout on that side of the river some, but whether that is true or not, I do not know. He came back frequently after he came over here during the war. He came across the river to this mountain country, and laid up from a little below where I crossed clear on to where he lives, or did live then. He was well acquainted with the woods, and he could go home without seeing a man, without he accidentally staggered on one in the woods. I am not certain as to whether I heard him say he was a scout or not. I think, however, maybe

I did, but I will not say that positively, about his having belonged to the Federal Army after he belonged to the confederate army or not, or his being across the line back again, as a spy or a scout, for I do not remember distinctly; I at first thought I did, but my mind recurred back to a different man.

By Mr. BUCKLEY:

Question. After the war was there a great deal of bitter feeling between those who had served in the Federal Army and those who had served in the confederate army?

Answer. I will give you the true state of feeling in my county on both sides; there was a time, directly after the surrender, when these gentlemen who differed with the South with reference to our position, and had most generally themselves taken sides with the confederates and deserted, undertook to run over and brow-beat and cut up a good deal, and that created a difficulty. I saw that with my own eyes twice, and I went among them and advised them, the best I could, to not do that way; that there was no necessity for it; that the war was over, and if we did differ once, we ought not to always differ about it. I talked to them in that way, but it did not do any good until there was some difficulty. The opposite party—the confederate soldiers—resented it, and they would have resented it to the death, if they had not quit; but there was no harm done at all. They did quit it, and they all became friendly and clever fellows together, and lived together in peace.

Question. Did Governor Patton once or twice send some soldiers up in your county?

Answer. No, sir, not into ours, I think. I know he did not.

Question. Do you recollect of a man being taken out of jail in Blountsville?

Answer. Yes, sir.

Question. Who was he?

Answer. James Ketchum.

Question. Was he ever tried?

Answer. O, no. I don't know who did that, but I do not remember of its being charged as Ku-Klux. He was taken out. He had murdered a man in very cold blood, and was put in jail, and was taken out a few nights afterward and shot.

By the CHAIRMAN:

Question. By disguised men?

Answer. I never heard that it was Ku-Klux or charged on Ku-Klux.

Question. Did you ever hear that he was taken out by disguised men?

Answer. No, sir, I do not know that I did. I know that the impression was on my mind that it was some of that sort of men, but I never heard anybody say so that I recollect of.

By Mr. BUCKLEY:

Question. He never had any trial?

Answer. O, no.

Question. Did they break open the jail?

Answer. Seems to me that they made the jailor give up the key. They may have been disguised, and probably were, but I do not remember of hearing it charged on them at all. They were men that were not known to the jailor.

Question. Do you know a man over there named Thomas Nation?

Answer. Yes, sir.

Question. Is he a man of good standing?

Answer. No, sir, I don't think there is a corrupter man on earth.

Question. Did you ever hear of his being whipped or injured?

Answer. No, sir, I do not think I heard of his being whipped, but treated worse than that. They made him—I only understood now; he told it himself, but I did not hear him tell it—they made him straddle a female black across his neck and carry her awhile, and then made her get down and him kiss the other end, but I don't know how true it was myself.

By Mr. BLAIR:

Question. What was this for?

Answer. He is the most violent man in his politics you ever saw, and he never quits.

By the CHAIRMAN:

Question. He is a radical?

Answer. The worst in the world. The radicals ought to be ashamed of such a man. To my mind he is immoderate.

By Mr. BUCKLEY:

Question. Were these disguised men who treated him in that way?

Answer. I understood they were.

By Mr. BLAIR:

Question. What was the offense he was charged with having committed?

Answer. Nothing but his social equality and the like. He was all over that way. They ought to have let him alone about it, but they did not do it, I suppose.

By Mr. RICE :

Question. Was there a good deal of crime—stealing, &c.—going on in Blount County in 1868 and 1869?

Answer. There was some more than usual, perhaps. I speak of before the war.

Question. Was there any trouble in executing the law on those who committed crime?

Answer. Not except by the deficiency of our jail; it is a bad one. We had to send some here sometimes.

Question. Was there any difficulty in making arrests?

Answer. No, sir.

Question. What necessity was there for organizing the Ku-Klux?

Answer. None, sir, that I know of.

Question. No necessity for punishing offenders in that way?

Answer. There was more than there had been.

Question. But they could have been reached by the law?

Answer. I always thought that if a man ought to be punished, we ought to be able to prove the crime against him; but there was some thieving and plundering, and some horse-stealing going on, and other things that were worse than it was before the war. But now, for the last year and this year, I do not see but what we are about as honest a people as we used to be.

By the CHAIRMAN :

Question. Did you ever hear of a radical sheriff by the name of Murphy who was shot?

Answer. Yes, sir.

Question. Was he shot because of his politics?

Answer. I don't know whether he was or not. I was in Summit the very morning he was killed, and left, coming here, and he was shot that day.

Question. Has the man been punished who shot him?

Answer. No, sir; he fled justice, and went to parts unknown.

Question. Was he indicted?

Answer. He was, I understood.

Question. Were any efforts made to secure him?

Answer. Nothing more than the governor's proclamation. I think he offered a reward for him, but I do not know that anybody pursued him.

Question. You rather resented the idea that these democrats were Ku-Klux?

Answer. No, sir; I rather wanted to leave the impression on the mind of the committee that I did not know about that. I do not know, for I do not know a man charged with being a Ku-Klux.

Question. Was it generally charged by the radicals that they were all democrats?

Answer. Yes, sir; I think it was.

Question. Did the democrats deny it?

Answer. I have heard them all deny being Ku-Klux that were ever charged with it. I have heard of men being charged with it that I was satisfied were innocent, and men that probably might have been guilty, but I do not know anything about that.

By Mr. RICE :

Question. Was the order supposed to be composed of good men over there?

Answer. I do not know anything about that. I have no opinion to express about that.

By the CHAIRMAN :

Question. Was any effort made by the democrats to put down that order while it was in existence?

Answer. We held meetings in three or four different places.

Question. When?

Answer. In 1869, I think.

Question. What did you do at those meetings?

Answer. We passed a resolution disapproving of these organizations.

Question. Were these meetings of the people, or of the democratic party?

Answer. Of the whole people. This Mr. Berry was in one of them.

Question. Was that after the anti-Ku-Klux had been organized?

Answer. I do not remember. I think it was before, perhaps. It was in the fall, and that was later.

Question. Still, the Ku-Klux did not disperse, and it was found necessary to organize a counter organization in order to stop their depredations?

Answer. That might have been their motive; I can't tell.

By Mr. BLAIR :

Question. What was the reason alleged for this killing of Murphy?

Answer. The reason alleged was that Murphy indicated him as being a Ku-Klux, and

from that ill-feeling got up, and they said Murphy began the affray by knocking the other man down with his fist. He was a very stout man and the other one very feeble, and while he was under him, he got his pistol out and shot him.

Question. That was in the testimony?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you hear the evidence?

Answer. No, sir. That is like a great many other things I have said.

By Mr. BLAIR:

Question. Did you ever hear that state of facts contradicted?

Answer. No, sir. I heard the man tell it that took him off of Murphy after he had shot Murphy. He is living there yet.

Question. That is received as the true account of it?

Answer. Yes, sir; that is the true account of it if this man told me the truth. He is a man named George. He is the first man that laid hands on Sheriff Murphy after he was shot.

By the CHAIRMAN:

Question. What did the man run off for? Why was he indicted for murder if he was justifiable?

Answer. I do not know. That is the true state of the thing.

Question. But he was indicted for murder and fled, and has never been arrested?

Answer. He fled immediately.

Question. Was he indicted for murder?

Answer. They indicted him. I do not know the language of the indictment. I understood there was an indictment against him for it.

Question. Did you ever hear it named whether it was for murder or what?

Answer. I never heard what the character of the indictment was, but I understood the grand jury found a bill.

Question. The man that killed Murphy was a democrat?

Answer. I suppose he was. He was a stranger to me.

By Mr. BLAIR:

Question. Why do you suppose so?

Answer. Because he and Murphy would not have fallen out about Ku-Kluxing, I reckon, if he hadn't been.

HUNTSVILLE, ALABAMA, October 14, 1871.

SIR DANIEL (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. I live in this place at this time.

Question. Where did you come here from?

Answer. I came from Stevenson, Alabama, in the same State and in the adjoining county to this.

Question. In Jackson County?

Answer. In Jackson County, sixty miles from here.

Question. When did you leave Stevenson?

Answer. The 3d of March, 1870.

Question. Have you been living here ever since?

Answer. Yes, sir.

Question. What was your reason for leaving there?

Answer. I will tell you my reason, and I will begin at the first. About the last of January, 1869, these disguised men came to my house. My wife—

Question. Was it in 1869 or 1870?

Answer. Eighteen hundred and sixty-nine. I heard them after another colored man just above me, that lived in a little village we called Avery, about three-quarters of a mile east of Stevenson. I heard them after this colored man, telling him to "Come out, come out." I got up and stepped to the door and looked out, and I saw three men, all in white, and the horses all in white, and I heard this colored man speak. His name was Lewis Jackson. I heard him say, "What do you want with me?" They said, "Come out here; we want to talk to you." I suppose he must have called to them through the crack of the house. He told them he would not come out. The men said, "If you come out it will be better for you." At this time I began to see. I had heard of Ku-Klux, but I never saw any before, and I whispered to my wife that the Ku-Klux

was up yonder after Lewis Jackson. In a few minutes I heard them firing and telling him to come out. They fired, I think it was twice, two rounds, into his house, three or four apiece, and they told him to come out, and he would not, and then they came riding on to my house. I had fastened the door by this time. My wife was lying-in with a young baby two days old. She was greatly excited, and says, "What are you going to do?" I says, "I don't know what to do." She says, "For the Lord's sake don't go out, or I'll die." They rode right up to my house, not a hundred yards off, and says, "Hilloa." I says, "Yes, sir." He says, "Come to the door." I says, "Who's there?" He says, "Come out here and see who it is." I says, "Gentlemen, I already see who it is, and I don't want to come." He says, "It will be better for you to come out; we want to talk to you; we want to tell you all about it." I says, "I don't want to come out;" and I says to my wife, "Shall I go out?" She cried, and said, "I would rather fight them than go out. I would rather if I was a man." I says, "Gentlemen, every man in this community knows I am an inoffensive man, and don't steal or trouble anybody or interfere with anybody, and everybody knows me to be strictly honest, or if I am not they don't know it." I says, "Gentlemen, I will tell you the truth now. When I tell you men anything, I mean what I say. I say I won't come out, and if you want me, you will have to come and take me at your own risk. You will have to kill me; but if you will not interfere with me I will not interfere with you;" and I heard one say, "Let's go off and let him alone," and they rode off; and as they rode around the lower part of my fence, Lewis Jackson came out of his house and fired on these three men. Now, they had fired into his house first and then came by my house, and after they left my house he fired into these three men. They went off across the field. They had all been, before that, about a mile and a quarter or two miles up the railroad above where I lived, and had whipped a younger brother of mine. They had whipped him, and came on from where he lived to where I lived in this little village. Then they went off in the same direction again after they had come by us. From that time on, from about the last of January, in 1869, until I was broken up there, we never saw any peace at all. They would not let us be for a space of three weeks without coming to see us.

Question. How often were you visited by disguised men?

Answer. I couldn't tell how often; it was so often, and they had got so bold, I couldn't keep count; but they came once in the day-time. Two of them rode through our little village, but didn't interfere with anybody. They stopped and talked with me awhile; asked for my account of a colored man, a very brave man, named Miles Prior. I told them I thought he was an inoffensive man, but a very brave man; that I thought he would undertake to defend himself in the face of a hundred men; I thought he would undertake that. They said, "That man can't live here much longer; he had better go away from here." I couldn't tell who they were, for they were disguised. Now, that was in the day-time.

Question. How many of them were there?

Answer. Only two.

Question. Were they on horseback?

Answer. No, sir; walking. At another time they came out to the village after that, and came to burn our little place. I was in Stevenson when they were going to burn it, and I went ahead to let the people know they were coming to burn it. I was there when seven Ku-Klux came. They came on an engine, and they all got out. They came by way of Bridgeport. They went down, and went into several stores and groceries and got coal-oil. They were going to burn that little town of Avery. I heard it whispered. I hated to have everything burned up, and to have everybody else burned out, and so I went and told the people so they might move out. This man Miles Prior was there, a very brave man. He is living at Chattanooga now, and is as brave a man as I ever saw. When they came out there, seven of them came, and I reckon they were three hours coming there. They came crawling and slipping along, and came every way they could come; they would get down crawling and come along.

Question. How many were there?

Answer. Only seven.

Question. Had they disguises on?

Answer. Yes, sir; seven disguised men.

Question. Were they on foot?

Answer. Yes, sir; coming across the field from Stevenson out to our little village. This Miles Prior says, "Let them come." They wanted to burn the school-house. He says, "Fifty men couldn't burn the school-house and let me live." When they got within about two hundred yards, Miles Prior he pulled off his coat and rolled up his sleeves, and began to laugh, and his wife began to cry, and told him to try to get away, that they were coming. He said he didn't care; let 'em come. They said there were five hundred of them. He said he wasn't afraid of them; the more that come the more he could kill. There was only four besides him that would stand with him. It was day-time, and they thought there were so many coming they would not stay.

Question. How many families were there in that village?

Answer. About seventy people in the village, big and little, young and old, and they almost broke it up. It was twenty acres of land there that we bought.

Question. Go on with your statement.

Answer. They came and got right about the line, and there was a fence on our line, and a white man then—

Question. No matter about these little particulars.

Answer. They came right on that fence, and he says, "Don't any man fire until they put their foot over the fence." They came right up to the fence, and they said, "You high man, come over here; we want to see you."

Question. Who did they refer to—Prior?

Answer. Yes, sir; he was a very tall, stout man, and a very brave man. Prior told them to come over and see him; he wanted to see them. They staid there some time; anyhow, it was about 2 o'clock in the evening when they left and went back to Stevenson, and didn't burn the place.

Question. Do you mean 2 o'clock in the night?

Answer. No, sir; in the afternoon. They went back to Stevenson without burning the place. They failed to burn it. They would come out then other nights. They would come between midnight and day some nights, and they would just fire on the place, and have everything, you know, excited. Sometimes there would be thirty or forty around this man's house, according to the reports given, firing in the house.

Question. Do you mean into Prior's house?

Answer. Yes, sir.

Question. Could you see the balls the next day?

Answer. Yes, sir; and even where they shot clear through the house. It was a weather-boarded house, shanty fashion. They shot into his water-bucket, and the water would run out; they shot the posts of his chairs; they tried to shoot him through the house, and fired one time, and scalped his leg just across the skin, but didn't hurt him; and he began to holler for the boys to come on, as if he had a big crowd, and then they all jumped up and went out, and these men all took out through the bushes and made their escape.

Question. Were they mounted or on foot?

Answer. They must have been on foot; we couldn't see any horse-tracks.

Question. Could you see how many there were?

Answer. No, sir. They said, "Boys, come back, we can whip them; there is thirty of us; we can whip them; we can take them out and whip them." They said that. I don't know whether there were that many, but the report of the guns sounded like it. The same night they shot an old colored man there.

Question. Where; at this village?

Answer. Yes, sir; at Avery.

Question. Did they shoot him in his house?

Answer. Yes, sir; they shot through his house, and shot him, and the bullet struck his wife about there, [illustrating,] on the left shoulder.

Question. Did it kill him?

Answer. No, sir; he is living here now. They all came here; or what didn't come here went somewhere else. Miles Prior lives at Chattanooga now.

Question. Go on with your statement.

Answer. It went on that way up to the last of February of last year.

Question. '70?

Answer. Yes, sir; 1870.

Question. More than a year after it first begun?

Answer. Yes, sir, over a year after it begun. Somebody, on a Sunday night, goes and shoots into two citizens' houses in this little village of Stevenson. They shot into the houses, and they supposed, you know, Miles Prior being such a brave man, that he was at the head of this thing, because he was such a brave man and shot into these citizens' houses; that was Sunday night, and Monday morning this man, Miles Prior, went into Stevenson, and while he was in Stevenson I suppose the civil authorities got up a squad of men to go after Miles Prior and surround him, and undertake to take him, and he ran away down into Crow Creek Valley, in the bottom, in the water. When the water was about up to his breast, he says that he began to chill, and it appeared to be chilling his heart so he could not swim, and they told him to surrender and give up his arms. He had a pistol, and his pistol got wet—or the ammunition did. As he came back—he tells this himself, and others do; I was not there—as he came back, they told him to surrender and give up his arms, but he still come out and tried to shoot all these men—all these men who were standing on the water-side—and he busted the caps as he came out, and they shot at him, and he turned around and threw his pistol back in the water; he wouldn't give his pistol up. They then took him and carried him on and put him in prison. It was very cold. He had his wet clothing on, and they went on up the road and got this Jackson, a railroad man, and then they came and got me, and put me in there as a prisoner. They said, "You consider yourself our prisoner." I said, "Very well; I will go in; you need not lock the door on

me; I will go in there and stay there all night," but they turned the look on me. Two men had taken me out, and they asked me if I didn't know anything about that shooting. I said, "Gentlemen, I am going to be honest with you. Now, I am a man, and I like to defend my own cause, but I would be a nice man to think, when I was a man born and brought up in a gospel land, that I would shoot into houses where women and children were. I am as far from that as any man in the world, gentlemen, and I would not participate with any man that could do so, and if I had known Miles Prior, as you say he did it, was going to do such a thing, I would not have let him do that if it was in my power. He might fight you, but not go and shoot into a house with innocent women and children." They said I must tell a better tale than that, or my penalty would be the same as his, Miles Prior's, and, says he, "That will be death; that will be death; and not only that, but we are going to stop this radical business among you all." I says, "Gentlemen, you all know me. I work for my living, and don't talk politics, but I am an honest man in all my ways and doings, but as far as that is concerned, you can never stop that thing in the world; it's impossible." He says, "We are going to stop it with you niggers, and all you Grant niggers will have to leave here or else they will all be killed. You may just understand that; you must leave here."

By Mr. BLAIR:

Question. What was the name of the man that said that to you?

Answer. Many a one said that to me.

Question. Who are they; give their names.

Answer. I will give you the names of two of the men that talked to me when they had me out. One was Henry Bunn—he was one of the men that took me—Ran Hatfield. They imprisoned me. I had a good deal of property, and all of that was destroyed. I had to get right away from there at once, and this man jumped on it, and said it was his, and another says it was his, and I owed him \$70, and so I lost it. I don't know exactly how many cattle I had, because I left my wife to take care of the cattle, and my sister was down here and said there was one little heifer that was grown to be almost a cow grown. I don't know how many I had, but ten or twelve head, though. I had three milk cows I know.

By the CHAIRMAN:

Question. Did these men release you?

Answer. No; they put me back in the prison. Then the sun was about an hour high. I was very cold. It was right on the ground; it was a bad underground place—one of these stockades. Some of them come up around there, and I sent word to my wife to bring bed-clothes, and she brought a blanket, and they wouldn't let me have the blanket in, and so we had to lay on the ground until I got chilled through. It seemed to me I was chilled clear through, and I have had a pain in my left side ever since that time.

Question. When were you released from prison?

Answer. I was released—they came about 9 o'clock, and they whined around the door. They had all the place illuminated with candles; we could see them. We could only see disguised men through the port-holes, and they began to carry on like dogs, whining and growling and doing everything of the kind, and rapping at the door. That was between 9 and 10 o'clock. I will tell the truth anywhere about that. I got down on my knees. I was done talking, for I thought the time was almost out, and I began to pray; and I prayed to such an excess that, I reckon, they got sorry for me, for they went off and left me; but they came back again. I was still praying, for I thought that was the last night I had; and then, when they came the third time, they said they were going to hang us. I will not say it exactly as they said it, but they said they would hang every one of us that night. They said they would hang the last one of us; I will not use the words they said.

Question. There were three of you in jail?

Answer. Yes, sir; Lewis Jackson, Miles Prior, and Sir Daniel were in prison at that time. Then they began with axes; they first unlocked the door; they began to pull at the door, and Miles Prior then asked me if I would fight. I said, "No, I have nothing to do but trust Daniel's God." He said, "I am no Christian man; I can't trust Daniel's God; I must fight." I said, "How can you fight? they are all coming in, and they have all the time between now and daylight to hang us." He says, "Ten men can't hold me, and a regiment can't shoot me." Then he caught right hold of the door as they had hold of it. These other men were trying to pull it open, and Prior caught hold of it, and called to us to help him pull, and I says, "I have no time to hold the door now; I have to pray." He turned around partly, to keep them from shooting him through the port-holes, and he was pulling, with his left hand holding the door. I could see the others, and they had a rope there fastened to the door, and were pulling at it; every man was pulling. And he held on to that door, and held it against all of them for a quarter of an hour, I suppose, until we could hear the 11 o'clock train coming up from Huntsville to Stevenson. He held on to the door against them until

the train whistled, and just after the train whistled he got tired, I reckon, holding the door against so many men, and he suddenly let loose, and all these men that were pulling so hard fell backward over one another, and as they did that he lunged out of the door and ran over two or three of them, and I reckon a hundred guns and pistols were fired at him, but he made his escape, for he was a very brave man. Just as he went out—it was a dark night—every light they had—and they had twenty lights, I reckon, lit—everything was swallowed in darkness that quick, [illustrating by slapping his hand.] It was as quick as that. He got off about two hundred yards, and came to a colored man, and asked him if he had a double-barreled shot-gun, and said to let him have it, and he would go back and fight the hundred and fifty men for fifteen minutes himself, and would rescue us two. This other colored man was afraid to let him have the gun. In the meantime, just as he went out, they lighted up another candle, and run back, and a great tall fellow, that looked like a horse—he was disguised that way—came in where I was in prison. We was like Paul and Silas. I determined not to run. He came in with his pistol cocked. He says, "I want the truth now, and nothing but the truth." I says, "You can get the truth out of me, if I know it; I will not tell a lie when I am asked for the truth." He says, "You have to tell the truth, or I will blow your brains out; you know about that firing, and you have to tell it;" and he held the pistol to me, and says, "Didn't that damned rascal"—excuse me gentlemen; I say it just like he said it—"fire into that house last Sunday night?" I says, "If he did, I don't know it;" and he wheeled right off from me right straight. I looked at him then, and I felt as if my brains were going to fly out when I denied that, but I felt that I would rather die with the truth in my mouth. He wheeled right out. They had my right hand tied with a rope. He asked me if I would be tied. I told him yes, I would submit to it, but I would be honest, and tell the truth. They tied my right hand. In a short time the train ran up, the disguised men disappeared, and everything was gone as quick as that, [illustrating by snapping his finger.] I never saw them any more. They kept me there about two days, as I thought, for a trial. Everybody said there was to be a trial at some hour, and I would go at the time, but they never would have any trial, because the time had come, and I spoke it just like I tell it here to them; I talk one way everywhere. They saw I wanted justice, and so they would not have any trial. After a while they asked me if I would let it be, and I said, "Gentlemen, I don't want any harm; during all this war I didn't trouble any man; I am an inoffensive man; I am an honest man;" and I just dropped it then, and went right off. But they sent me off, and I was entirely naked, for I had nothing.

Question. How long after that did you come to Huntsville?

Answer. I arrived in this place on the 3d day of March.

Question. '70?

Answer. Eighteen hundred and seventy.

Question. Have you ever been back since?

Answer. Yes, sir.

Question. When?

Answer. Last fall.

Question. Were you maltreated then?

Answer. No, sir.

Question. Did you ever see the Ku-Klux at any other time?

Answer. Any other time since then?

Question. Yes.

Answer. No, sir; because I have been living here since then.

By Mr. BUCKLEY:

Question. What made the disguised men run away when the train came up?

Answer. There were soldiers on the train. Somebody had dispatched for soldiers, and they came on up on the 11 o'clock train.

By the CHAIRMAN:

Question. What has become of Prior?

Answer. He went to Chattanooga, Tennessee.

Question. Is he living there now?

Answer. Yes, sir; he was a few weeks ago.

MONTGOMERY, ALABAMA, October 17, 1871.

GEORGE W. HOUSTON (colored) sworn and examined.

By the CHAIRMAN:

Question. Where are you living now?

Answer. I am staying here in Montgomery, around about.

Question. Where did you formerly live ?

Answer. I was bred and born in the State of Alabama, and lived in Sumter County since I was seventeen until I was shot and driven away.

Question. Were you ever a member of the legislature ?

Answer. I was.

Question. In what year ?

Answer. In the first election for the legislature after emancipation ; I forget exactly the year. I was register of the county at the first registration. I recollect coming here the first Monday in July at the first session.

Question. July, 1868 ?

Answer. July, 1868 ; I came here at the first session.

Question. Did you attend any subsequent session of the legislature ?

Answer. I attended two sessions before I was shot, two or three times ; I think we met three times—anyhow I attended the summer and winter sessions. I know that.

Question. What county did you represent ?

Answer. Sumter County.

Question. Were you the only representative from that county ?

Answer. No, sir ; there were three of us. Mr. Benjamin Inge, now dead ; Mr. Hulan—but he never did attend—and myself. On the last session that I did attend, Mr. Richard Burke attended with me, who has been shot dead by the Ku-Klux since that time.

Question. As a member from that county ?

Answer. Yes, sir ; to fill the place of Mr. Hulan. He was shot dead directly after he went home.

Question. State the circumstances of his assassination.

Answer. I was not there at the time. All I can tell is by a letter.

Question. From whom did you receive that letter ?

Answer. From the circuit clerk of the county.

Question. Do you regard the information contained in that letter as reliable ?

Answer. I do, sir. He was shot dead.

Question. What does the letter state ?

Answer. It states his house was broken into just like mine, and he was shot ; five balls were shot through him. Mr. Hulan was a white man, and Mr. Burke took his place, filling the vacancy. He never came, and Mr. Burke filled his place.

Question. You say he was shot soon after returning from the session of the legislature ?

Answer. Yes, sir ; he bid me good-bye right up here on Market street. I had then been shot, and was wearing the same ball that I am wearing now.

Question. State the circumstances of your own case.

Answer. I attended the session and went home. There were numbers of men in my own county who were killed.

By Mr. BUCKLEY :

Question. Colored men ?

Answer. Yes, sir ; some of them were leading men of the county, but not members of the legislature, nor officers at all.

By the CHAIRMAN :

Question. Private citizens ?

Answer. Yes, sir.

Question. But leading, influential men among the colored people ?

Answer. Yes, sir, politically. They were, politically, men who went through the county doing the best they could, keeping the party up. First myself, and Mr. Price, the circuit clerk, the only white man in the county that took a real interest in the party, as I thought ought to have been done. These colored men were killed, two or three of them anyhow. I can't call their names ; one was shot dead, and the other shot three times, and didn't die.

By Mr. BUCKLEY :

Question. What were the names ?

Answer. The first one—the one I talked with—was named Enoch Sledge. He was the one of the three men that lived. The other two were killed dead. His brother Frank was shot dead that Saturday evening just before sundown, in a swamp. You remember Mr. Charles Hays, our Congressman. These men came and joined the convention in my county, that was called the county convention, which was held in every county to elect delegates to go to the Alabama convention. It was what was called the third district convention. We met in Marion to nominate our Congressman.

Question. Fourth district ?

Answer. I thought it belonged to the third ; excuse me for the mistake. These men went over to attend that convention on a Saturday evening. On their return home Frank was shot dead.

By Mr. BLAIR :

Question. What was his full name?

Answer. Frank Sledge. The next man that was shot—it was given to me by the sheriff, and everybody else—I can't call his name. It was Travis something, but I can't call to mind the other name; he was the man that was shot next to Frank, and the next man to me was Frank's brother, Enoch.

By the CHAIRMAN :

Question. Were those men all members of that convention?

Answer. No, sir; they were men that attended the county convention. They every one came that Saturday to attend the convention.

Question. Were they shot on their return home?

Answer. Yes, sir; within seven miles of Livingston, in Sumter County. They were shot on the Sucarnochee River, close to Horn's Bridge. Enoch was shot three times. He was Frank's brother; he was the third man shot.

Question. Were these men shot before sundown?

Answer. Yes, sir. Enoch told me so himself. I talked with one of the men; the other two were buried.

Question. Do you know the circumstances under which they were shot?

Answer. I tell you what he told me; that is all I can tell you.

Question. What did he say about it?

Answer. They were returning from this convention home, when three white men rode up to them. One of them was young Mr. Sledge and one was Mr. Renfro. Enoch knew him. The other two he didn't know at all. Mr. Sledge stopped back and they rode ahead of them, and when they came to them again they were walking. They had got far enough to get down and hitch their horses, and one of them asked Frank, "You'll report me, will you?" with an oath; I am not certain what the word was, but an oath. I think he said, "You'll report me, God damn you," and he raised a double-barreled gun and shot Frank, who was a young preacher, right off of his horse.

Question. Were these men disguised?

Answer. No, sir; this was in the day-time. This was what Enoch told me himself.

Question. Were these three who shot them white men?

Answer. Yes, sir; there were two white men who did it. One of the white men stopped back. That was young Mr. Sledge, and the other two white men interfered with them.

Question. When was this?

Answer. It was the same year I was shot, but it was before I was shot.

Question. When was that?

Answer. In 1869, I believe; yes, it was 1869, because I lived here last year, and this is 1871.

Question. In what part of the year was it?

Answer. I am not right certain now what part, but it was between spring and the first of the summer that this took place—probably in the first month in summer. I can't swear to the day or the month, because I didn't take account of it.

Question. Go on and tell your own case, if you have got through with that.

Answer. I am not through with it exactly. If you want to know where Enoch's wounds are, I can put that to an inch, for I put my finger on all of them. One ball was right between the shoulders in his back; the other was right through his wrist—that was the second one; I don't know which wrist now. The other one cut on his forehead right here, [illustrating,] up through the center through the hair. I put my hands on all of the wounds. That is all I know about that. Now, if you are through with that, I will state my own case.

Question. Go on and state your own case.

Answer. Men came on in August, after the election of our Congressman, Mr. Charles Hays.

Question. In what year?

Answer. In 1869, as well as I can recollect, on the morning of the 13th, between 1 and 2 o'clock in the morning, before day, at Dr. Chouteau's house. A few minutes before I was shot there was some shooting took place at his house, two hundred yards from my house. We both lived on the outer edge of town.

Question. What was the shooting about at Dr. Chouteau's?

Answer. I don't know any more than I think they were trying to kill him out like me.

Question. Did you hear the shooting?

Answer. Yes, sir; it wakened me, and I got up and went to my window and opened it and looked out, and a minute after hearing that I shut my window and laid down in my bed, and I didn't get still in my bed before they were rapping on my door and calling me to come to the door. I got up and started to the door. My wife hailed and told me I had better mind where I was going; that I didn't know who was calling me. I stopped immediately. My son got up and opened his door—we were living in

a double house. He looked out and then put his hand on my shoulder, and says, "Pa, that's a white man with a gun in his hand." He said the white man had his gun right up to shoot my head off if I opened the door, just so, [illustrating.] I then sent him back to his door, and stove the ax under my door and stepped back to my bed, and got my own gun, and stood still in the floor, and never spoke another word. They said, "Houston, ain't you coming?" I never made no answer. They said, "Now if you ain't coming, God damn you, we are going to burn your God-damned house down on top of you, and your wife and children." I never said a word yet. I heard one of them outside say, "Let us break down his God-damned door," and they commenced bursting the door, and hit ten or twenty licks, and the door fell in.

Question. What took place then?

Answer. This boy of mine, as that door fell right beside his bed, opened the window and jumped out. As he went out, I saw a gun leveled down this way, [illustrating.] I saw a foot or a foot and a half of it, for it was a starlight night, and the men fired and shot my child plumb through the leg with buckshot. As my child went out, his head went down and his heels went up, for he was frightened and the buckshot went clean through his leg. I saw one of the men walking off from the door. He was wrapped up in domestic or something, and I shot him right square in the back at about twelve steps.

Question. Did you kill him?

Answer. I don't know anything about that, for I didn't stay there. I don't know whether I did or not. He looked like he was wrapped up in some old white cloth, domestic or something.

Question. Could you see his face?

Answer. No, sir. He had his back to me; as the door fell he turned. This man shot at my son one second, and I shot right across his gun as this man went from the door.

Question. What did you do then?

Answer. I wheeled back to my other room—I had the next barrel in the same gun—and I opened the window, and as I opened it I saw the crowd, and one said, "Shut that window," and he fired at the same time and hit me. The ball is right here in my thigh; I can show the place now. It went in in front, and there is no sign of where it came out behind. As he said, "Shut the window," I turned the window loose and cocked the other barrel, and shot at his head at fifteen steps, but it was only squirrel shot. My wife jumped and fastened the window. Then they shot the window full of holes and the side of the house beside that. As she shut the window the balls came in the house and on the house like rain. They shot over the whole side of the house, and balls fell inside of the house all along. I was lying patient. The next day the people came in and picked the balls where they had fallen inside of the house through the plank.

Question. How many were there in the crowd that attacked your house?

Answer. I can't tell. It looked like a great many men. It was starlight and before day. There was a good deal cursing after they shot and broke down my door. The reason they were afraid to come in was, I think, because that shot was fired. They didn't come back.

Question. Did you notice whether they were disguised?

Answer. Only the one that I shot at. He looked like he was wrapped up in some white cloth; it looked so by starlight. That is all I could see.

Question. Did this man who demanded admission tell you what he wanted you to come out there for?

Answer. He said he just wanted a word or two with me; that is all he said. He ordered me to be quick, because he was in a terrible hurry. I didn't speak to him but once, and that was when he called me, "Houston, Houston." I said, "Sir." He said, "Come here for a minute." I started, and before I got to the door it seemed God himself made my wife stop me, and my son came and told me he saw the man at the door. That was the boy that got shot.

Question. Was this shortly after you came home from the legislature?

Answer. Not very shortly; I forget what time in June, 1869, that was. This took place in August; not very shortly.

Question. Had you had any trouble with your neighbors?

Answer. Nothing more than some talk that I didn't like from some wealthy men of the county. One of them had come to me, and told me if I turned against them they would turn against me. They looked upon me as being the prominent negro of the county. I know the men that told me that thing very well. It was in a dry-goods store in that town.

Question. What did they want you to do?

Answer. They wanted me to deny what was called the Union League. They had understood I belonged to it. The reason they took a great fancy to me was, I was a tailor in that place. My master had learned me this trade on account of my health and crippleness when I was a slave. I had run a shop for sixteen years there. They came to me, and said I made my living off of them and not off of the damned niggers,

and if I turned against them they would turn against me. I said my belonging to the Union League didn't do them any harm. They said, "Yes, it does." I said, "It's only to teach our ignorant colored men." This was our talk privately, and this was only a few months before I was shot. That is all I could assign for the cause of it, and taking the fact that the other colored men were shot down just before, and I was a representative of that county. There was a public meeting; we had made some public speeches, some white and some black men, and I told them I was opposed to this.

Question. Opposed to what?

Answer. Opposed to colored men being shot down like dogs, when I knew that the officers of the county could stop it. I told the sheriff that to his face. If they took exceptions to me on that account, that is all I can tell, for I was raised there, and they never could put a scratch of a pen against me before, and nothing else could they have taken it from except that I tried to hold up the men that had been shot down by violence; some at night, some by daylight; some were found in the stock-pools with their guts cut out. All this came to my ears and the other men's ears.

Question. How many colored men were assassinated in that county?

Answer. I think eight or nine, before I was shot, were killed dead, according to the accounts of the white men and black men I got through the county. I stop at eight or nine, but I really think there were a few more.

Question. How long did you stay there after you were shot?

Answer. Five days, guarded there night and day by colored men.

Question. Where did you go then?

Answer. I started from there one evening by the request of my friends who supported me. They brought a buggy to my door and wrapped me in a quilt in the rain, and took me off, and I laid all night in the rain in Sucarnoochee swamp. I laid there bleeding all night. I got the railroad at Bennett's Station, seven miles from the court-house, and never stopped until I got here. My brother got four other men to guard me that night, and put me on the train at sunrise next morning. I have not been there since.

Question. You have never been there since?

Answer. No, sir. My wife had to sacrifice my property. The circuit clerk wrote me letters, and I have others also, that it would not be safe for me there.

Question. Have you heard of other violence to colored people in that county since you left?

Answer. Yes, sir, I have. I understood by a letter that fourteen white men went to a colored man's house and broke it open, and he jumped out of the window and got away. I take back fourteen men; it was fourteen shots were fired at that colored man.

Question. That is what you learned from this writer?

Answer. Yes, sir; from the circuit clerk of the county, by letter. I was thinking of the shots when I said men. There were fourteen shots fired at one man, a boy raised on the plantation adjoining to my master's plantation, and he jumped out of the back window and got away. That was written to me by the circuit clerk of the county.

By Mr. BLAIR:

Question. What was the name of that colored man who was shot?

Answer. Alfred Jolly.

By the CHAIRMAN:

Question. Which is the most numerous in Sumter County, the white or colored population?

Answer. I don't know whether I understand that word or not. Which is the largest population?

Question. Yes, sir.

Answer. The colored is all ways the largest. The colored population is heavy there, very strong indeed.

By Mr. BLAIR:

Question. Do you know any of the parties who were shooting at you?

Answer. No, sir; my suspicions would not do. I suspect them any way. If a suspicion would do, I could put my finger on them satisfactorily to my own heart to do, if I had to have some of them put up on a rope; but that will not do before you. I have got some of them suspected very strongly.

Question. What is your suspicion?

Answer. They are men I can't swear to before you. I could not do it.

Question. Did you hit the man whose head you shot at—the second man you shot at?

Answer. I understood from a white man here in Montgomery that one of them suffered a great deal in his thigh, and another was buried six weeks after I shot him. That is all I can tell you. I tell you that as I got it. I didn't stay there. I shot him deliberately to kill him. I would have done it if I could, as sure as he shot to kill me.

Question. Who was this man that was buried?

Answer. I can't tell you now; if I did, I couldn't prove it. It is all hearsay. I don't tell one thing I can't come up to. I could tell exactly who I heard it was.

Question. Who did you hear was buried six weeks after that?

Answer. I heard that Dudley Hart was. He left Marengo County to come to my county to kill me. I am nowadays backward to tell you names. I will tell you anything I know, but I hate to tell anything I can't swear to. The probate judge of the county told me that—Mr. James Abrahams; six weeks after that he was buried; he told me here in Montgomery that he understood that Dudley Hart was buried. I will give you the man's house where he was carried to and lodged on the night I shot him.

Question. That is what I want to know.

Answer. I am not ashamed to tell you what I know of these things.

Question. I do not say you are. The probate judge told you Dudley Hart was buried?

Answer. Yes, sir; and I believe he was the man I shot.

Question. Whose house was he buried from?

Answer. If you want the circuit clerk's name right beside that man's name, I can give you that. This Mr. Daniel Price told me the same night out of his own mouth here in Montgomery. I have that from two white men's mouths.

Question. At whose house was he buried?

Answer. He was carried to I. Jim Lee's house, four miles from the court-house—from Livingston down the Moscow road, if it is necessary to put down the whole thing. I know every one of them. I have worked for every one of them. He was carried there and kept until he died. He was taken away in the night and buried. That was Dudley Hart. This man I shot was said to be shot in the face. I don't know anything about him at all. I could not keep up with him.

Question. These friends of yours could not find out about him?

Answer. No, sir; not as close as they could with Dudley Hart. The doctors had to attend him so close that they found out. Mr. Price told me about that. They hid this other case up so they could not find out, but Dudley Hart's case got out. If you want what Mr. Abrahams told me, I can give you something else.

Question. We want that.

Answer. Mr. Abrahams told me he heard from the daughter of a man that was attending on these same men, or staying there; his daughter told some other young lady—mind you, that's the way it come out; but I don't know as there is any need for that in at all. It slipped out from two young white ladies, but I don't know that it was necessary to say anything about it here. The daughter of one of the men waiting on this man that was shot (Hart) told another lady, and so Mr. Abrahams got it. I tell you that, so that if you get hold of it at any time you need not be bothered at all. Mr. Abrahams said he has it from the young lady, who said Hart was in the house. She told her father; that is, the young lady that told her father told it, and so it went on. Mr. Abrahams told me that at the Exchange on the corner, and I will swear it before the God that made us all. This was a few months after the whole thing happened.

By the CHAIRMAN:

Question. Was there anybody prosecuted for shooting your son or yourself?

Answer. No, sir.

Question. Was anybody ever prosecuted for the shooting of Richard Burke?

Answer. No, sir. If there were I don't know it. It all happened since I left, if anything of the kind was done.

Question. Was anybody ever prosecuted for shooting this man in the swamp?

Answer. No, sir.

Question. You spoke about eight or nine men that were killed before you were shot?

Answer. Yes, sir; dead before I was shot.

Question. Was anybody ever prosecuted in your county for shooting them?

Answer. Jerry Clark, if you want me to give him now—

Question. I want you to answer that question. Was anybody ever prosecuted and convicted for shooting these men?

Answer. I want to tell you. Jerry Clark was the first man shot, after the session, by a young man named Prater. Prater was put in jail, and kept there several months.

Question. Was Prater a white man?

Answer. Yes, sir. He shot Jerry Clark going from his tan-yard one evening, where he had been grinding bark. He shot him three times from his mule. He fell dead. That is the evidence of a woman in court. Prater was put in jail and kept there for several months, and one night a mob came and took Prater out, when I was in Montgomery.

Question. Prater was released?

Answer. Yes, sir; he has gone.

Question. Was he never brought back?

Answer. Never.

Question. Were these eight or nine men, who you say were shot, all colored men?

Answer. Yes, sir.

Question. What were the offenses alleged against these men?

Answer. I never heard one single thing against them. That man Jerry was one in the first class.

Question. Did he vote the republican ticket?

Answer. He did, and told these men so that shot him that evening. The man asked him, "Are you a damned radical?" He replied, "Yes. I am not a damned radical, but I am a radical, and expect to die that;" and the man says, "I am going to kill you damned radicals," and shot him three times. That is the evidence of the woman.

Question. Were these other colored men, who were shot as you have described, republicans?

Answer. Yes, sir; I can swear to four of them voting the republican ticket. What was called Yankee Ben, was shot.

Question. Had any of these colored men been in the Union Army during the war?

Answer. I think Yankee Ben had; only him. The others were hard-working men in the country. One of them was shot. They killed him on his mule.

Question. Has anybody been punished for this shooting?

Answer. Not when I was there.

Question. Have you ever heard since of any one being prosecuted?

Answer. No, sir; because the sheriff came here to see Governor Smith and Mr. Diller. The sheriff resigned his office, and went right away to Texas. That is the man I had the quarrel with. I came this way, and he went yon. That was to keep from prosecuting big friends in the county.

Question. Was he a democrat?

Answer. He claimed to be a Union man, and got the appointment of an office. He was not elected at all. He got an appointment from the governor. As soon as this developed, he put off to Texas. He resigned and left.

Question. Did he affiliate with the democrats in that county?

Answer. I was told by some men he did. Doctor Moore got the appointment directly he left. I have talked with Doctor Moore here since then.

By Mr. BLAIR:

Question. Who is Doctor Moore?

Answer. I can't tell you. I never saw him until I saw him in Montgomery, since I was wounded.

Question. Is he a radical?

Answer. He claims so, just like the other men—just to get a position. I tell you there are many of them claim it, that will not do to depend on. I am a man that speaks square.

Question. Where did he come from?

Answer. I think he is a western man. I never knew him until he came here to bring some prisoners to the penitentiary this spring a year ago.

Question. You have not much confidence in these men who come down here claiming to be republicans?

Answer. I have not much in many of them—mighty little in any of them.

Question. They just come down here for office, you think?

Answer. I don't say northern men.

Question. You think they are good men, all of them?

Answer. No, I don't trust all of them. I pick them, wherever I try them, and see that they are right, and then I am there. If it is a southern man, and he is right, I am there. That's my doctrine. I stick to the man I see proves himself.

Question. You think the most of these fellows are just after office?

Answer. There is a great many, I think, in both places, just after office. They come around colored men, talking about just getting up an organization to themselves, and not trusting any of the white men. Now, if they do that, they are a heap bigger fools than I am. I decided that point right away. I am not one who takes that view. I say the man that helps me, I help him, let him come from the south or the north. If he sticks to what he promises to do, I am his man; but to stick to a man that tries to make a traitor of himself with me, and tries to get me to be used as a tool, why, he will find my edge is going to break off; and if it breaks off once, he never can grind it any more. I will show you all, now, if you have a curiosity, where I was shot at. It is no harm, [baring his leg and exhibiting a scar.] There's where the bullet went in, and it didn't come out behind.

By the CHAIRMAN:

Question. Is the bullet there now in the leg?

Answer. Yes, sir; and it will stay there until God Almighty takes it out. I had a doctor fifteen minutes probing to get that out. The ball went through my child's flesh, too. My child had to go fifteen miles to his grandfather, and I had to suffer and go off. I had to sacrifice my property. I had to fly here, and yet I am a republican,

and I will die one. I say the republican party freed me, and I will die on top of it. I don't care who is pleased. I vote every time. I was register of my county, and my master sent in and lent me his pistols to carry around my waist when I was register, to protect myself against my enemies. I am a republican to-day, and if the republican party can't do me any good, I will never turn against it. I can work in the cotton-patch and work at my trade, and get along without any benefit from my party, and so I will stick to the republican party and die in it.

MONTGOMERY, ALABAMA, *October 17, 1871.*

SMITH WATLEY (colored) sworn and examined.

By the CHAIRMAN:

Question. State to the committee where you are living at this time.

Answer. I stay here at Montgomery. I have been here about four months, but go to my family back and forth, and for my crop.

Question. Where did you formerly live?

Answer. I lived in Coosa County, twenty miles above Wetumpka, at the twentieth mile-post.

Question. How long had you lived there before the 6th of June last?

Answer. About two years; part of the time twelve miles above the place I am living now, above Allen Thomas's place, two miles this side of Nixburg, on the old plank road.

Question. What business were you employed in on the 6th of June last, in Coosa County?

Answer. Farming.

Question. On whose land?

Answer. Allen Thomas's. I reaped from Allen Thomas.

Question. Proceed and state to the committee what violence was done to your person on or about the 6th of June last.

Answer. Well, I went to Nixburg that evening, after it got done raining. It was Friday, in the evening, I went to Nixburg. My wife told me to go and get a good pair of shoes. I went by Alex. Smith's, about a mile from my house, and he asked me what did I give Allen Thomas for that mule I was riding, and I said, "One hundred and fifty dollars, Christmas." He said, "Smith, that's a good trade you made, this time." He says, "Who carried that wagon away from your house, this evening?" I told him one of Mr. Thomas's black men, that I wanted to buy the wagon of; I wanted to buy it, but the black man bought the wagon. Alex. Smith asked me about it. The next thing he says, "You know a man in the day-time, but at night you don't know him." It was about sundown, and I went on to Nixburg. I said to my wife, "Caroline, what do you reckon all them men are gathering at Nixburg for?" She says, "I don't know; I expect they are up to some meanness. You had better take my son and lay out to-night." I said, "I won't do it;" just so. That is the answer I gave her.

Question. Did you notice many men gather at Nixburg?

Answer. I told her about it. I said, "What do you reckon Mr. Bowen looked at me so under his hat—so ugly for?" She says, "There's some rascally trick after you by the white folks, and you take my son and lay out to-night." I says, "You have got a good pair of shoes, and don't want me to sleep with you to-night." I said that just for devilment. She looked at the shoes and put them on. She was going to her daughter's, and that night she said, "You had better go out to-night." I said, "No." She laid down before I did, and in about two hours, or three hours, as near as I could tell to-day, they came in.

Question. Who did?

Answer. The Ku-Klux. They struck my dogs, and she jumped, and said, "La, Smith, here's the school teacher, Olliver; here is the Ku-Klux." I said, "Hush." Olliver is the school teacher. I says, "Hush, he'll kill you. I know who it is, too. If they get in here, they will kill you." She gets up and puts on her clothes, and walks across the house, and takes me by the left hand and pulls me out of bed. I was slow getting out. I went to the window and I saw twelve men in the yard. I says, "I can't whip all these men." She says, "Don't open the door." They were hauling at the door. I went to the door; she kept hold of it, and says, "Don't open it; don't open it." I says, "I must open it. Don't you hear them?" He says, "Open in there; I don't walk; all my men flew from hell; I am bound to see you to-night." I said, "I had better open the door." She says, "No, don't open it." I says to her, "Open it." He says, "Open it, or we will break it down and kill you." I says, "I must open it." She says, "No, don't open it." He says, "We come here; we didn't ride; we didn't walk; our men flew from hell, and are bound to see you to-night." She hung to me, and I threw her away,

and opened the door, and Olliver gathered me on the right arm, and Doctor McClermand on this other arm, and Joe Leonard caught me in the breast, and the next man, I don't know who he was; and after he turned me loose, Joe Leonard had a rock and struck me on the head, but he didn't knock me down; they were holding me up. They took me out. They made me strip off my shirt, and led me outside of the door. Then they set in and whipped me. These all went to whipping me right off, all six at once. I took notice and counted the men. Then, after Olliver was done whipping, Joe Leonard took the whip out of his hand and whipped me, and that made seven men. Then my wife went to the horses, to see who they were as well as she could, and she saw two colored men. She said one was Pomp Moore, and the other was Aleck Temples. They were not disguised, she said. I couldn't get there. She said Joe Thomas blowed a whistle, and made them stop whipping me at the time they were whipping me.

Question. What happened after that?

Answer. After that she says, and her son says the same thing, and swears, and her daughter-in-law swears she saw them. I didn't see them, because, at the same time they whipped me, they had my brother-in-law, and laid him right down by me.

Question. What was his name?

Answer. Jesse Watson.

Question. Was he staying in your house that night?

Answer. Yes, sir; he was not in my house, but in a room between him and me.

Question. Did you see him whipped?

Answer. No; they just stripped him right beside me.

Question. What did they do to him?

Answer. Nothing but just stripped him. They made him strip. This Foster Anderson was one of the men that went to help me hunt for my wife, and instead of that she was around the horses, and I couldn't find her. There was so many around me I couldn't find her. She run off to see about the horses, and see where they was. Jack, my step-son, says Mr. Bowen was one of the men.

Question. Did you count the men that came to your house that night?

Answer. Yes, sir; I counted sixteen men in my yard. I almost knowed the height of the men when they went from me. I knew them all almost.

Question. Had they any disguises on?

Answer. Yes, sir.

Question. Describe to the committee the kind of disguise they wore.

Answer. As near as I could get at them, they had crowns going up from their heads like a crown, and they had gowns going down like a cloak or a sheet. They were not sheets, but gowns; they had sleeves and cuffs to them, and all. I noticed them.

Question. Did they have anything before their faces?

Answer. Olliver's came off. They had the crowns coming down over, and the mouth painted, and noses and eyes, and at the time he was whipping me his came loose, and Joe had to take his place.

Question. So you could see Olliver's face?

Answer. Yes, sir; and so I could swear to him so hard. It came loose.

Question. Did they come there on horseback?

Answer. Yes, sir. I went to where they tied the horses next morning.

Question. Were the horses in disguise?

Answer. Yes, sir; they had white sheets. She said that; I didn't see them. She went close enough to see what they had on, but she was afraid to go closer. John Nolan said the horses was covered with sheets.

Question. How many licks did they hit you?

Answer. I can't tell; they whipped me so long, and so many whipped me, I can't tell. They laid me down right outside of the steps at my door and whipped me; and they took me and my brother-in-law outside on the grass there, and whipped me some out there, but they didn't hit him a lick.

Question. How long were they there?

Answer. It was an hour before day when they left my house, as near as I could tell, because I never laid down any more, because they abused my back. They took my shirt off.

Question. What did they say they whipped you for?

Answer. They said it was because I had said the Ku-Klux ought to be dead; but I said, a man that burned up a church ought to be dead, or any one that took a man out of his house and whipped him ought to be dead.

Question. When did you say that?

Answer. I was a blacksmith, and was talking to some colored men and white men, but I can't tell who told it.

Question. How long before that time did you say it?

Answer. It was about a week or two weeks before that I was talking. Then I tracked the horses clear to Aleck Smith's house.

Question. What did these men tell you they were whipping you for?

Answer. They said they were whipping me because I said the Ku-Klux ought to be

dead, or men that would burn up a church, or whip a man. Then I got a man to go with me and see the horses' tracks where they were, and started and went along. It was Till Hardy.

Question. What church did you refer to when you spoke to those men about men who would whip a man or burn a church?

Answer. It was a Baptist church they burned up, in a settlement up above me. Mr. Joe Thomas was present and heard it.

Question. Heard you make the remark?

Answer. Yes, sir; Allen Thomas's son, Joe.

Question. Tell about the burning of that church.

Answer. That is another case. There is a man out of doors that can tell about that, and my son-in-law held the horse when the church was burned. He says he held the horses, and went with them when they were whipping some at Mr. Willis Maxwell's that night. Maxwell's was where they had most of the whipping at; when they burned that church, he was holding the horses.

Question. How long before you were whipped was this church burned?

Answer. I don't know whether it was in January, or when. It was directly after or a little before Christmas.

Question. Last Christmas?

Answer. Yes, sir; it was the 6th of June when they disturbed me. I heard of it, and went to Mr. Thomas, and told him the Ku-Klux would come to my house; and he said no Ku-Klux would come to my house; and so I made myself easy about it.

Question. When these men were whipping you, did they tell you they would teach you to talk about people burning the church?

Answer. No, sir; they said I was the man that said the Ku-Klux ought to be dead; but what I said was, any man that burned a church ought to be dead. They said I said Ku-Klux; but I didn't say them. They said I was the old devil that they wanted to whip, because I said the Ku-Klux ought to be dead; but I didn't say the Ku-Klux.

Question. What did they tell you they would do to you if you ever told about this whipping?

Answer. They said they would put a thousand balls in my heart, and they put their pistols up against my breast sure enough, and made me hold up my hand and swear that I never would breathe it; and I did swear it. I held up my hand before God that I wouldn't breathe it. They made all my folks, my brother-in-law and all but my wife, swear so; they could not get hold of her; but all the balance of them swore.

Question. Swore that you would not tell it?

Answer. Yes, sir; that we would never tell it; all but my wife; they couldn't get hold of her.

Question. Did they accuse you at the time of being a radical and voting the radical ticket?

Answer. Yes, sir; they knowed I was a radical.

Question. What did they say about your being a radical?

Answer. They didn't say a word about it. Now I had been issuing tickets for many years—ever since we had been voting. I was the regular one for giving out tickets. They would come down here and get them and send them to my house.

Question. Was it generally known that you were in the habit of giving out tickets at the election?

Answer. Yes, sir.

Question. Had you taken an active part for the radical party in that county?

Answer. Yes, sir; I was one of the regular men attending to that business.

Question. What did you do after this whipping?

Answer. I left there. They whipped me Friday night, and I went and told Allen Thomas, and he told me not to leave, but finish my crop and report them next fall, when I could report them and leave. I said, "No, they can't do me any harm if I leave now;" and I took my mule and came on to Montgomery Saturday morning at 9 o'clock. He took my step-son and followed me down here for the mule to Montgomery. He made my step-son follow me.

Question. Did you leave any property behind?

Answer. Yes, sir; all my property. It is all there now. I rented his land, standing rent. I had to give him eleven hundred pounds of lint cotton for twenty-eight acres.

Question. Were you able to raise your crop?

Answer. Yes, sir; in every way. He plowed two or three days since I left there, or had it done, and charged me forty dollars for it; three days and a half.

Question. Who is it that you say knows about the burning of this Baptist church?

Answer. A colored man out of doors here.

Question. What is his name?

Answer. Henry Garrett. He saw it done; but he has not been back and forward as much as I have. I have been going back and forward ever since; but I have to slip and slide.

Question. Was the church in Coosa County?

Answer. Yes, sir; near Socopato.

Question. Do you know of any other men besides yourself, in Coosa County, that have been whipped?

Answer. Yes, sir.

Question. How many?

Answer. Dan Sushner, or Dan Hurgin. He was whipped.

Question. When was he whipped?

Answer. A little before I was; a night or two before I was.

Question. By men in disguise?

Answer. Yes, sir. Zach Goldthwaite, he was whipped.

Question. A short time before you?

Answer. Yes, sir; a little before I was.

Question. By the Ku-Klux?

Answer. Yes, sir; by Ku-Klux.

Question. Who else?

Answer. Dick Martin.

Question. When was he whipped?

Answer. At the same time Zach Goldthwaite was. That is all I know in Coosa, the settlement I live in. Old man Henry Garrett can tell you the balance in his settlement.

Question. Do you know what Hurgin, Garrett, and Goldthwaite were whipped for?

Answer. No, sir; I have been watching so I never got there to see them, to get an answer what it was done for. You see I have to slip there back and forward all the time.

Question. Did you know any other man in that crowd who whipped you except those whose names you have given?

Answer. No, sir; I only know them that whipped. I didn't know anybody else but them. I knowed them from any of the rest, for I have known them for twenty years, some of them. That makes twice this Leonard has run afoul of me.

Question. Has anybody been punished up there for these whippings?

Answer. No, sir; not in the settlement.

Question. Has anybody been indicted or prosecuted for any of these acts of violence?

Answer. No, sir; nobody in the settlement at all that I know of. This Pomp Moore that held the horses, they said they wanted him as a witness. He didn't tell me he held the horses, but he told Henry Goldthwaite; but they won't have that here, but want Henry, and Henry Goldthwaite will swear that he told him he held the horses.

Question. You say you knew Olliver and McClernand and Joe Leonard?

Answer. Yes, sir; and Foster Anderson. I am certain that they are the men.

Question. Did they live in the neighborhood?

Answer. McClernand lives in nine miles; Joe Leonard in a mile and a quarter; and this Foster Anderson lives on Allen Thomas's place, about three-quarters of a mile across the plantation.

Question. What does Olliver follow?

Answer. He is a school-teacher.

Question. What is McClernand?

Answer. He has an office and practices.

Question. Joe Leonard?

Answer. He is a doctor, and practices.

Question. What is Foster Anderson?

Answer. He is a farmer, working with Mr. Thompson, the same man I worked with.

Question. He is a renter?

Answer. No, sir; he is hired for standing wages.

Question. Are these married or single men?

Answer. There is just one married man in the lot; that is McClernand. All the rest are single men.

By Mr. BLAIR:

Question. When did you say you came down here?

Answer. About the 6th of June, as near as I could get at it. I then had chopped out my cotton the first time.

Question. You say you did not know Olliver until he took off his mask?

Answer. I knew his voice before I opened the door. He didn't take it off; it came off when he was whipping me.

Question. You knew him before?

Answer. Yes, sir; before I opened the door. I knew his voice. That's the reason I opened the door.

Question. Who is Joe Thomas?

Answer. Allen Thomas's son—the man I rented of. I rent from his father.

Question. You say he blowed a whistle to make them stop?

Answer. Yes, sir; my wife says so, and my step-son and my daughter-in-law says so but I didn't hear it. They were whipping me so I couldn't tell anything about it.

Question. Was he with them then?

Answer. Yes, sir. My wife and them swore they knew almost all of the men that were there. They said there were five men at my son's house and one up in the road.

Question. You did not see them?

Answer. No. I was down at the house. I couldn't get away from there. They said this Mr. Bowen was up there in the road, and they said he hollered judgment at the time they were whipping me. He hollered judgment all the time they were whipping me.

Question. Who is John Nolan?

Answer. He is a white man that lives adjoining me, and he saw them when they passed his house going to my house. He is a poor fellow; he lives adjoining me.

Question. Who is Aleck Smith?

Answer. He is dead now. Adam Freeman says he saw them that night at 10 o'clock, at Nixburg, when they passed there, and he says he saw Walker Walden's horse tied under a tree this side of Nixburg.

Question. You say Joe Thomas was present when they burned the church?

Answer. No, sir; he was present when they whipped me. There is another set did that. This Lock Smith was with Walker Walden when they were going to Nixburg that night at 10 o'clock. He said he followed them up to near about Nixburg, to see what they were going to do. He said they were going after him; he was going to leave his wagon and run off.

Question. You say you followed the horse-tracks?

Answer. Yes, sir.

Question. How far did you follow them?

Answer. I followed them from my house up to Aleck Smith's house, and went right to Aleck Smith's house, and this Olliver was looking at me all the time. He was going to saddle his horse up, and quit saddling him, because I was following him. I followed near to Aleck Smith's house.

Question. Who is he?

Answer. He is dead. He lived right in the settlement. Olliver boarded at Aleck Smith's house.

Question. You say Aleck Smith is dead?

Answer. Yes, sir; he is dead now. I got this Till Hardy to go with me and examine the horses' tracks, and see where the tracks went to. I thought that sure somebody would go with me to see where they came from. I went to a hollow log, and I thought the disguised clothes were there, but they were not there. I searched a chestnut log, but they were not there.

Question. Did you follow further than Aleck Smith's?

Answer. No, sir; only just right at the house, and I quit then, and went back, and got Till Hardy, and took the track from his house way down to the branch.

Question. Did you examine the track?

Answer. I didn't see but one mule-track in the crowd.

Question. Have any of these men been arrested for this transaction?

Answer. No, sir; they had them fetched here, but they turned them all loose.

Question. You had them fetched here?

Answer. Yes, sir; but they turned them all loose. Judge Minnis said he thought some of the men were the men I swore to; but they turned them all loose, and they went back home.

Question. Who turned them loose?

Answer. I don't know what party turned them loose. I don't know no more than a stranger, but I had them all brung here. I had a warrant, and had the last one brung here.

Question. You do not know before what judge they were carried?

Answer. Yes, sir.

Question. Who?

Answer. Mr. Patrick, I think, that sits in this room.

By the CHAIRMAN:

Question. The United States commissioner?

Answer. Yes, sir.

Question. What men did you have brought up here?

Answer. Mr. McClermand, Joe Leonard, and Foster Anderson, and Olliver, and Pomp Moore. I had them brung up here.

By Mr. BUCKLEY:

Question. Where is Pomp Moore now?

Answer. He is at home—he was the day I was there. I didn't see him, but I heard he was home.

By Mr. BLAIR :

Question. Were you present when the commissioner examined them?

Answer. Yes, sir.

Question. Did you swear in the case?

Answer. Yes, sir; I swore to the men.

Question. Did you swear to all the facts you have been swearing to here to-day?

Answer. Yes, sir.

Question. Was your wife here?

Answer. Yes, sir.

Question. Did she swear also?

Answer. She didn't swear to all that. I wouldn't let her swear to Pomp holding the horses, for fear she might be wrong, and she has never been back since. That is the reason I wouldn't let her swear, for fear she might be wrong; but she swore to the case.

Question. Were there any other witnesses?

Answer. Yes, sir; my step-daughter, and brother-in-law, and step-son.

Question. What did the other party prove?

Answer. Some said they were at Nixburg at 10 o'clock. Mr. Olliver said he was at Nixburg at 10 o'clock, and got drunk and went home. That is his evidence. Mr. Leonard said he went home at 11 o'clock, and laid down at 11 o'clock on the bed, and read his doctor-book until such a time. Mr. McClernand was at home, and the colored man said he staid out on the porch to let Mr. McClernand sleep; but still he went off home to see his child, but he staid on the porch until McClernand got his sleep. But they all were out that night, and with that evidence they turned them all loose.

Question. They all proved they were not there; was that it?

Answer. Yes, sir; they all proved it. Those witnesses came here and proved it, but the party was at my house—part of them men were there; but I would not put it in court. I saw they wouldn't give me no justice. I thought I would turn it loose and let it go, for I wouldn't get justice.

Question. Is not the commissioner here a republican?

Answer. Yes, sir; but I saw I had no justice nowhere. I couldn't read or write. Judge Minnis said I didn't have justice.

Question. Would he not give you justice because you could not read or write?

Answer. I just 'lowed that they made out I didn't know the men that whipped me; but I knew them. I told them to their face. I didn't have no mealy-mouth about it.

Question. May you not have been mistaken?

Answer. No, sir. I know the men that whipped me. I didn't make any mistake. I knew the men. I don't make no mistake in anything I do, because I have known some of them twenty years. I have known Joe Leonard twenty-two years. I knew Foster Anderson seven or eight years. That's the reason I know there is no mistake in it. My people didn't put the evidence in, because they saw there was no justice, and there was no use. We didn't get justice, and thought we would have nothing to do with it. But I suppose it will come up again, and we will have to stand it.

Question. It will come up again?

Answer. Yes, sir. I had to stay at home to get my crop. I had to go to see my crop gathered, and it was done on account that I would vote that ticket. I know it was done to get me out of the way.

Question. How do you know?

Answer. Because I had been the main man, running with tickets all the time. The sheriff would give them out, and the solicitor would give them out. They sent them to me.

Question. What sort of a man is Allen Thomas?

Answer. Well, me and him have been together two years, and I thought we got along pretty well all the time. I didn't have any difficulty until that turned out. I don't know whether he had it done, or who did it, but I have a belief. I think that somebody had it done, because his son was there. He rented me the land, and I was working pretty faithfully for him. I made him a good crop the year before that—eleven bales of cotton, which weighed 550 pounds all around, and I got \$100, and half of it was mine; and 500 bushels of corn; and then I bought from him. I bought a mule from him. Me and him never has no difficulty at all. I say that about Mr. Thomas. All that is in it was, he charged me \$40 for three days' plowing.

MONTGOMERY, ALABAMA, October 17, 1871.

HENRY GILES (colored) sworn and examined.

By the CHAIRMAN :

Question. Are you ever called Garrett?

Answer. No, sir; not now. I went by that name when I first registered.

Question. Where do you live now ?

Answer. Here in Montgomery, since Christmas. I could not go back home to see my folks.

Question. Where did you live before Christmas last ?

Answer. In Nixburg beat.

Question. In what county is that ?

Answer. Coosa.

Question. How long did you live in that county ?

Answer. Near about twenty years.

Question. Were you a deacon of a colored Baptist church in Nixburg beat ?

Answer. Yes, sir.

Question. Tell the committee what you know about the burning of that church—when and how it happened, and who did it.

Answer. I will, as near as I can. They said we were too strong republicans.

Question. Who said that ?

Answer. Jesse Thomas and all them white men in the beat ; that was the word that they sent to me. Jerry Webb said, about two months before they burned the church, "I know the men that is going to burn down this church, but no man can make me tell."

Question. Who did he tell that to ?

Answer. To the whole crowd, on Sunday, two months before it was burned.

Question. That he knew who was going to burn it down ?

Answer. Yes, sir ; and that nobody could make him tell.

Question. How long had the church been built ?

Answer. Better than a year, I think.

Question. Who built it ?

Answer. We all built it.

Question. Was it a colored church ?

Answer. Yes, sir ; and the colored people built it.

Question. Go on and state the particulars of its being burned down.

Answer. Sam Maxwell, when we first began to meet there Sundays, said we should not have meeting there. It was dangerous, because of the threats ; they would take us some nights when we couldn't tell ; that the Ku-Klux would come there, and kill us all some of these nights, and we would have no warning of it. Then from that there was a general report all the time—we might expect that these Ku-Klux would come, but we didn't know when they would come. "But you, Henry Giles, we intend to give you more particular than the rest." That was the understanding that come to me, because I was head deacon of the church, that they intended to get me, and to burn me up in the church.

Question. Go on and state what took place about the burning of the church.

Answer. They said, "We ain't got nothing against you, only you all are too strong republicans"—that is the great misfortune we have at that beat—"and we intend to break up this arrangement of the republicans in Coosa County."

Question. Who said that ?

Answer. That was general report with all the colored population whenever they get them. We run a mighty risk when we were going to Nixburg to the polls to vote.

Question. What day was that ?

Answer. The day of the election.

Question. Last fall ?

Answer. Yes, sir.

Question. What kind of risk did you run ?

Answer. Why we expected some of us to get killed on the way.

Question. Did anybody threaten you ?

Answer. Yes, sir ; all the time before the election and after the election.

Question. What kind of threats ?

Answer. Because we voted the republican ticket.

Question. Were these threats against all the colored people there ?

Answer. Yes, sir.

Question. Did they all vote the republican ticket that went to the polls ?

Answer. Yes, sir ; all voted it when I was there, but I didn't stay long, and the crowd that went with me came away ; they were uneasy anyhow.

Question. Did the white men say anything to you ?

Answer. No, sir ; the white party was for a fuss with the colored party, and we didn't stay more than half an hour after we voted. We left as quick as possible.

Question. Was that last fall ?

Answer. Yes, sir.

Question. When was this church burned ?

Answer. The 1st of January ; it was the last Saturday night in the Christmas ; that was the the 1st of January, I think. Christmas came on Sunday, and the next Satur

day night it was burned down, and Sunday night I came down here, and I haven't been back there since.

Question. Did you see the church burning?

Answer. Yes, sir.

Question. How far did you live from the church?

Answer. I reckon about five hundred yards. I saw them when they set fire to it.

Question. How many men did you see at the church?

Answer. It appeared to me like it was about sixteen. I was close to them, but I had to hide down pretty close; but I saw them.

Question. Had they disguises on?

Answer. Yes, sir; all of them were disguised men.

Question. Did they go there on foot or on horseback?

Answer. On horses.

Question. Did you know any of them?

Answer. No, sir; I didn't know any of them.

Question. Did you know any of the horses?

Answer. No, sir; they were dressed with white on them.

Question. Were their horses disguised also?

Answer. Yes, sir; the horses were disguised.

Question. At what time of night was that?

Answer. About 11 o'clock.

Question. That was Saturday night?

Answer. Yes, sir. Ben Renshaw was shot at the church just before they burned the church down.

Question. Who was he?

Answer. He lived on Maxwell's place, close by the church.

Question. Was he a colored man?

Answer. Yes, sir.

Question. Was he killed?

Answer. No, sir.

Question. Where did they shoot him, out of doors or in his house?

Answer. Out of doors.

Question. What was he doing?

Answer. They wanted to carry him along to the church to help set fire to it, and he didn't want to go, and they shot at him. The doctors took out of him some shots.

Question. What sort of shot?

Answer. Squirrel-shot. He showed me two that they took out.

Question. You say they wanted him to go along with them and help them?

Answer. Yes, sir.

Question. And he refused?

Answer. Yes, sir.

Question. And he attempted to make his escape, and they fired at him?

Answer. Yes, sir.

Question. Did they commit any other mischief that night?

Answer. Yes, sir; they whipped Wiley Williams.

Question. Who was he?

Answer. Wiley Williams was a colored man.

Question. What was he whipped for?

Answer. Because he voted the republican ticket.

Question. Did they tell him that?

Answer. Yes, sir; that's what he said.

Question. How many licks did they strike him?

Answer. I don't know how many.

Question. Was he hurt much?

Answer. Yes, sir. And Aleck Sheely, they whipped him too.

Question. Was that the same night?

Answer. Yes, sir.

Question. Where was he?

Answer. He was over in Tallapoosa County. You see Tallapoosa and Coosa joins.

Question. Did they go to his cabin?

Answer. Yes, sir.

Question. Did they call him out?

Answer. Yes, sir.

Question. How far was that from the church?

Answer. I reckon about three miles.

Question. How far was Williams's cabin from the church?

Answer. It was about three miles. They both lived in the same place.

Question. Did these men do any other mischief?

Answer. Yes, sir. Big Maxwell, they whipped him.

Question. Where did he live?

Answer. He lived on Willis Maxwell's place.

Question. What was he whipped for?

Answer. Because he voted.

Question. Did he vote the republican ticket?

Answer. Yes, sir; that's what he said.

Question. Did they tell him that was what they were whipping him for?

Answer. Yes, sir; that's what they all said.

Question. Did they whip anybody else that night?

Answer. Yes, sir; Green Sturdaway. He went by his old master's name. His old master was a preacher. They whipped him.

Question. Did he live near Wiley Williams and Alexander Sheely?

Answer. Yes, sir; they all lived in the same beat pretty much; not far apart.

Question. What was he whipped for?

Answer. Because he voted.

Question. Was any other one whipped?

Answer. Little Bill Maxwell. He was not whipped, but he was knowing of Frank being with the Ku-Klux that night. Little Bill was knowing that Frank was with the Ku-Klux. The next morning when he came in with the disguised clothes on, he took the gun and was going to kill Frank, when his father took it out of his hand. Charley Mosely said he knew four of the Ku-Klux, but he couldn't tell without he had backers.

Question. Was there anybody else whipped except those you have named?

Answer. Yes, sir; Jerry Webb was whipped.

Question. Where did Jerry Webb live?

Answer. Right there at Allen Maxwell's.

Question. Was he whipped the same night?

Answer. Yes, sir.

Question. What was he whipped for?

Answer. Because he voted.

Question. Did all of these colored men that were whipped vote the republican ticket?

Answer. Yes, sir; that's what they said.

Question. You say they were whipped by these Ku-Klux because they voted that ticket?

Answer. Yes, sir; we all went to Nixburg and voted together.

Question. You say they voted?

Answer. Yes, sir; I went up to the polls with them.

Question. Were they all whipped the same night?

Answer. Yes, sir.

Question. And that night was the same night that the church was burned?

Answer. Yes, sir.

Question. And that, you think, was the 1st of January last?

Answer. Yes, sir.

Question. Were any others whipped that night?

Answer. Yes, sir; some more; but I don't know them like these witnesses do. They live far off; they went further on.

Question. You understood that the Ku-Klux party went further up the road and whipped others?

Answer. Yes, sir.

Question. But you cannot tell who they were?

Answer. They went on until day, I understood by good authority, but I couldn't tell the rest of them.

Question. Did all these men you have named as being whipped live in Coosa County?

Answer. Yes, sir; right close around me.

Question. Did they stay there, after they were whipped, or leave?

Answer. Some of them came down here and staid part of the time, and some of them went back. Some went back not long ago. They said the rest might go back, but I must not go back, because death would be my portion.

Question. Are you afraid to return?

Answer. Yes; unless there is a better arrangement.

Question. Did you leave any property?

Answer. Yes, sir; and my family; my wife and seven children in the family.

Question. And you are afraid to go back and live with your family, for fear that these Ku-Klux will molest you?

Answer. Yes, sir. Here is a letter I have received from my wife. [Exhibiting a letter.]

Question. You say they have made threats that they would kill you if you went back?

Answer. Yes, sir; that's the fair understanding.

Question. You have been working here?

Answer. Yes, sir; they stripped me of everything since I came here.

Question. Who stripped you of your property?

Answer. I couldn't tell. My wife said they just took everything.

Question. What property did they take?

Answer. They took a cow and calf from me, and my corn and my meat I had there—a piece—and all.

Question. How was it taken; was it generally stolen after night from the place, or in what way was it taken?

Answer. She said it was taken in the day-time. She sent me word so.

Question. Did she know who took it?

Answer. Yes, sir.

Question. Were they neighbors?

Answer. No, sir; the neighbors are not close by.

Question. On what ground did they take them?

Answer. I don't know. They had no fear, because they had run me off, and they took it as they pleased. I don't know the men that took them from me. They did it because I was too strong a republican, and they would do anything to injure me.

Question. Did any white men ever tell you that?

Answer. No, sir.

Question. You gathered that from others?

Answer. Yes, sir; I got the report. They wouldn't tell me themselves, but I got the report of what they intended to do with me, gentlemen.

Question. Who would bring you that word; white men or colored men?

Answer. Charley Carter fetched that word to me the last morning—Sunday morning—that Jesse Thomas said he couldn't get me on Saturday night, but intended to get me the coming week. He was the head of the Ku-Klux band.

By Mr. BLAIR:

Question. Do you know who took your cow?

Answer. Yes, sir.

Question. Who?

Answer. Mr. Maxwell is got my cow, so I understood. He lives about a mile from where I live.

By Mr. BUCKLEY;

Question. Did you rent land from him?

Answer. No, sir; I worked with Mr. Ezra Pinson. I have been working his land for three years.

By Mr. BLAIR:

Question. How do you know that Mr. Maxwell has your cow?

Answer. That's the word my wife sent me, and I have two reports that he got the cow.

Question. Did you owe him anything?

Answer. No, sir. I couldn't tell what terms. I couldn't go back to fix up nothing. That is the word she sent me. I had to leave my business all undone, and run away to make my escape. I had no clothes to take.

Question. Who is Sam Maxwell?

Answer. A colored man living at Allen Maxwell's.

Question. Who has your other property?

Answer. I couldn't tell who got my other property. It is just scattered, so I understand. My wife had just to hide the children out, and do about some way or another to keep them from perishing.

Question. Have any of the other people got any of your property besides Mr. Maxwell?

Answer. Not as I know. I couldn't tell. I hadn't seen her. She hasn't been here to tell me the particulars, and I couldn't tell.

Question. What other property have you lost?

Answer. They took all my meat and all my corn; I didn't have any horse.

Question. Did she not tell you who took your meat?

Answer. She didn't tell me, but I understood that Dave Henley took the meat. He lived close by.

Question. A colored man?

Answer. No, sir; a white man; but I couldn't tell you how it was done. The things are all scattered from east to west. They even took the church papers out of the trunk I had there, and all the wine, and all the bottles, and the tumblers, and everything. They took them all out.

Question. Who did that?

Answer. Joe Henderson; that's what I understood. I couldn't go back there to see how it was. They were afraid to send me any word, it looked like, and everything

has been open so ever since Christmas. I couldn't get back to see my little children, or make no arrangement no way.

Question. Did these people come to your house the night the church was burned?

Answer. Yes, sir; one man came to the gate, but didn't come in that time, but he came there before that, before the church was burned. That was about a month. He came before they began to shoot, and after they shot all the ammunition, they turned around and shouted, and got on the church and pulled off the boards, and then set it on fire.

By the CHAIRMAN:

Question. Did you say there was a firing of guns at the church?

Answer. Yes, sir; I never heard such firing before.

By Mr. BLAIR:

Question. Who was that man who came to your house?

Answer. I couldn't tell; he was disguised, and I made my wife and children lay down in the back of the orchard and hide themselves, because I understood they were coming, because Mr. Maxwell came, and let me know they were coming that night.

Question. Is that the same man who has your cow?

Answer. Yes, sir.

Question. How did he know they were coming?

Answer. He didn't tell me; he said they were coming; Green Sturdaway came afterward and told me the same thing.

Question. That they were coming?

Answer. Yes, sir; and that I might just look out; but I told him I couldn't help it; if they came, I didn't know what to do.

Question. Did he tell you they were going to burn the church?

Answer. He didn't tell me what they were going to do, only they were coming; when they came, they came by Allen Maxwell's and over to the church and burned it; they passed his place and run the people from his house, all around the house, and shot at them; that's what they said themselves the next morning at church when they came there; that's what the crowd said that were there that night.

Question. Was Mr. Maxwell with them that night?

Answer. He was at Allen Maxwell's house that night; they gave a little party there, and he was there, and saw them serenading in the house there.

Question. You didn't know any of these people?

Answer. No, sir; not any of the Ku-Klux.

Question. How many did you say there were of them?

Answer. There were sixteen or seventeen of them.

Question. Did you see them?

Answer. Yes, sir, I saw them; and Sam Maxwell says, and Charley Maxwell, that they came out pretty much, and there was a white preacher; he came out of the house and went through the gate, through the Ku-Klux, and went down, and they didn't disturb him.

Question. Who was that?

Answer. Frank Moss, I think, is his name—his given name.

Question. He is a preacher?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did he preach to the colored people at that church?

Answer. No, sir.

Question. Had they a colored preacher?

Answer. Yes, sir; we had a colored preacher.

By Mr. BLAIR:

Question. Did this Frank Moss know who they were?

Answer. That was not ascertained by me; I don't know. He may have known them; I can't say, because he was in the house there, and the Ku-Klux never disturbed him and his wife; but I know Adams Johnson, a colored man, had been down there, and he told me, and he says that Mr. Moss's wife told him that if I went back there I would be sure to go up, after I put in the report here that I would certainly be killed. That's what Johnson says he will swear in court if he is called again. He put it in once before.

Question. They did not whip you?

Answer. No, sir. They said they were not going to whip me, but burn me up. That was the general report and understanding.

Question. Did they come to you?

Answer. No, sir; they didn't come to me, but they sent threats to me what they would do. They didn't come themselves.

Question. Who brought you these threats—Sam Maxwell?

Answer. They were coming to me; we had a prayer-meeting there Sunday night—the colored people had—and these threats were coming every time we met for a solid month.

Question. Who brought you word about those threats?

Answer. Sometimes the women-folks would fetch it. Eliza Marbury would fetch the word sometimes, and sometimes Charley Maxwell would fetch the word; sometimes Green Sturdeaway would fetch the word of the threats on Sunday night, and it kept on until I couldn't name how many reports were coming from time to time, to tell us to look out, and beware of these things. Well, we went on to do the best we could; we didn't want to have any fuss with anybody, but to attend to our business as well as we could, and we kept on so until the church was burned up.

Question. Did you ever hear any of those white men make any threats?

Answer. No, sir; I didn't hear none make any threats, myself.

Question. Who made the threats?

Answer. Jesse Thomas was making threats, they said. They didn't tell me who put it where I could get it.

Question. Who is Jesse Thomas?

Answer. He is a white man lives up there.

Question. Is he a brother of Allen Thomas?

Answer. No, sir; I don't know as he is any kin at all. He is a poor man there.

Question. Who else did you hear of making these threats?

Answer. Several of them, but I don't know like the rest. The threats were coming all the time, but I understood he was the captain of this Ku-Klux arrangement—Jesse Thomas was.

Question. You didn't know any of these Ku-Klux?

Answer. No, sir; I didn't know them myself. They didn't range over in our beat. I didn't go about there much, anyhow; only go to church and go back home; but in all the rest of that beat they fetched the report to the church of what they heard these men said they would do.

By the CHAIRMAN:

Question. What was the cause of these people taking offense at your colored church; was it so near the white settlement as to disturb them, or what was the matter?

Answer. They got it into their minds, from all I heard, that we were all too strong republicans right there in that beat. I know the man I was living with told me so, myself.

Question. Did they complain that you sang too loud?

Answer. Yes, sir; they complained a heap of times; I am confident of that. They said we prayed too loud.

Question. Sang too loud and prayed too loud?

Answer. Yes, sir; and preached too loud. I am confident of that word.

Question. What was that church worth? How much did it cost you?

Answer. Well, sir, I don't know exactly. We had not finished paying for it, because we owed some ten or fifteen dollars for the lumber. We were to have collected that Sunday, when it was burned.

Question. Suppose it had been paid for, what would the church have been worth?

Answer. Four or five hundred dollars, if not more.

Question. Had the whites helped you at all in building it?

Answer. No, sir.

Question. Was it built exclusively by the colored people?

Answer. Yes, sir; by our own labor.

Question. Has anybody ever been prosecuted for burning that church?

Answer. No, sir.

Question. Has anybody been arrested?

Answer. Not as I know of.

Question. You have spoken of several whippings committed on that same night when the church was burned. Has anybody been punished for those whippings?

Answer. No, sir; I don't think they have done a thing with anybody. Everything stands open just as it was. Nothing at all has been done no way.

Question. What effect has all this had upon the colored people? Has it intimidated them, or made them afraid to go to the polls and vote?

Answer. It looks like it; it appears so, by their acts to me. They seem to not know what to do for the best.

Question. Do you know any other reason, except that you were all republicans and voted the republican ticket?

Answer. No, sir; I don't; I could not say.

Question. Do you know anything about Smith Watley being whipped?

Answer. Yes, sir; I know, because he came down here and let me know. He was whipped in June. He came here hunting me up, and found me on Sunday, and didn't

know which way to go. He told me his circumstances, and I fetched him to Judge Minnis.

Question. Did he tell you all the circumstances of his being whipped?

Answer. Yes, sir.

Question. That was soon after he had left there?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did you see the marks where he had been whipped?

Answer. Yes, sir.

Question. Where were they?

Answer. Here, on the back and breast and shoulders. I saw them all over there; we didn't live far apart over there.

By Mr. BLAIR:

Question. What did he tell you about it?

Answer. He told me he was whipped very badly by the Ku-Klux on that night; out up very badly. I think he said seven of them whipped him, if I am not mistaken, and by his swearing that he would not tell, I suppose that's the reason they didn't kill him.

Question. What did he say they whipped him for?

Answer. I understood it was because he was a republican.

Question. Did he tell you that?

Answer. That's what I understood him.

Question. Anything else?

Answer. No, not particular, as I could recollect at this time. We all vote at the same poll, I know.

Question. You are sure he told you it was because he was a republican?

Answer. Yes, sir; we all voted at the same poll.

Question. You are sure he did not tell you anything else that they whipped him for.

Answer. No, sir; not that I recollect. They whipped him because he was a republican. That was the strongest evidence they wanted to find out.

Question. You are sure they told you that?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know Dan Sturgeon?

Answer. No, sir.

Question. Do you know Zack Goldwaite?

Answer. Yes, sir; I know him.

Question. Did you ever hear that Zack was whipped by the Ku-Klux?

Answer. If he was whipped it was since I came away.

Question. Dick Martin?

Answer. I know him.

Question. Did you ever hear of his being whipped?

Answer. Yes, sir; I heard it down here; and there's Uncle Joe Baker, I understood he was whipped.

Question. Was that in Coosa County?

Answer. Yes, sir.

Question. When was he whipped?

Answer. After Smith Watley, or the day before, I don't know which. John Baker, too.

Question. Was he whipped?

Answer. Yes, sir; so I understood. There's more than that, but I couldn't tell you, and I don't want to tell any more than I know. There are several cases that were whipped since I came down here. The rest of them can tell more than I can.

MONTGOMERY, ALABAMA, October 17, 1871.

JAMES H. ALSTON (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. I have been living here about sixteen months, but my place of residence is Tuskegee. I have been forced to live here for sixteen months.

Question. Your former place of residence was Tuskegee?

Answer. Yes, sir.

Question. How came you to leave there?

Answer. I was representative of that county, and I was caused to run away from there. I had to leave there to keep from being shot, and to keep my wife from being shot.

Question. Go on and tell the committee all the particulars of your being shot.

Answer. [Producing a paper.] This is about the first thing that caused it.

Question. What is that? Your commission.

Answer. Yes, sir, as chief of the county.

[The witness exhibits to the committee the following paper:]

“UNION LEAGUE OF AMERICA.

[Vignette.]

“LIBERTY, UNION, EQUALITY.

“To all to whom these presents shall come greeting:

“Know ye, that we, the State Grand Council of the Union League of America, for the State of Alabama, do grant unto James H. Austin, J. J. Martin, and their associates, this charter, constituting them a council, to be known as — No. — U. L. of A., to be located in Tuskegee, county of Macon, State of Alabama:

“Know ye, therefore, that this charter gives the above-named persons and their associates, who may become regular members of this League, full power to receive male citizens, over eighteen years of age, and initiate and instruct them in the work of the U. L. of A., upon such rules and terms as the constitution of the League will permit. Also gives them full power to make such by-laws as they can agree upon, provided they do not conflict with the constitution and rules of the Grand National Council of the Union League of America, or with the constitution and rules of the State Grand Council of Alabama. Also gives them power to elect such officers as they think worthy and suitable for the good of the League. Also gives them full power to perform all duties of a Council of the Union League of America, while they conform to all the laws and rules of the League.

“In witness whereof, we have caused this charter to be signed by the grand president and grand secretary of the State Grand Council of Alabama, U. L. of A., and the seal of the said State Grand Council to be affixed thereto, at the Grand Council Chamber, in Montgomery, Alabama, this third day of December, A. D. one thousand eight hundred and sixty-seven.

[SEAL.]

THOS. O. GLASCOCK,

“Grand President.

“JOHN C. KEFFER, *Grand Secretary.*”

Question. You say you were a representative of what county?

Answer. Macon County. I was elected a representative of Macon County, sir.

Question. Did you and Mr. Martin receive a charter from the Grand Council of the Union League of America, constituting you and your associates a council at Tuskegee?

Answer. Yes, sir.

Question. Did you institute such a council as that?

Answer. Yes, sir.

Question. Did that give offense to the white people in that neighborhood?

Answer. It did at the first, and at the last we changed it to be a republican club, after the League died out, you know.

Question. Was that club composed exclusively of colored people?

Answer. No, sir.

Question. Was it composed entirely of republicans?

Answer. Yes, sir; they said they were republicans.

Question. You stated that that was the cause of some violence that was offered to you?

Answer. Yes, sir.

Question. State what violence was offered to you, and under what circumstances, stating all the particulars.

Answer. I have been shot. I have now in me buck and ball that injures me a good deal, and I think it will be for life; and my wife has been injured a good deal.

Question. Tell us first about your own case. State when you were shot.

Answer. I was shot, I reckon, about sixteen months ago. It was somewhere about May or June, 1870; I think it was June.

Question. Were you at home at the time?

Answer. Yes, sir; sitting on the side of my bed.

Question. Was in the day-time or night?

Answer. At night, about ten minutes before 1 o'clock at night, on Saturday night.

Question. Who did it?

Answer. Well, sir, it was done by a band of men, who were against my politics, as a republican.

Question. Were they disguised men?

Answer. Well, sir, so far as the disguise was concerned, my shutters were closed, and I was in the house, and they fired through the windows; and I didn't see the men at the time.

Question. Had you a light in the house?

Answer. Yes, sir.

Question. Had you blinds to your windows?

Answer. Yes, sir.

Question. They shot through the blinds?

Answer. Yes, sir.

Question. And hit you in the back?

Answer. In the back and through the right hip.

Question. How many shots were fired?

Answer. Two hundred and sixty-five shots were counted outside in the weather-boarding of my house the next day, and sixty, as near as we could count, passed through the window, and five through the head-board of the bed I was sitting on, and two through the pillow that my head would have laid on, and four in the foot-roll of my bed, and two in my body.

Question. Was your wife hit?

Answer. Yes, sir, and one of my children. She was hit in her right heel, and it is lying in her foot now.

Question. Was she in the bed at the time?

Answer. Yes, sir.

Question. You did not see any of the men, you say?

Answer. Not at the time. I saw them before. They threatened my life before that.

Question. Did they come to your house on horseback or on foot?

Answer. They came on foot, sir.

Question. Did they demand admittance into the house?

Answer. No, sir, they shot from the gate right through the window.

Question. Was there a bright light in the house at the time?

Answer. Yes, sir.

Question. Was it the light made by the fire?

Answer. No, sir; I had a lamp with kerosene, pretty bright. It was struck just as I got in.

Question. You say you had been threatened before that?

Answer. Many a time.

Question. Who threatened you?

Answer. I was threatened by a good many white persons, and that night I was threatened by colored persons that they had appointed. They came into my lodge; I was made president of the lodge, or my club. I run against several white men—I reckon six of them—and by trying to be as I intended to be, a republican, I was looked upon well by the constituents I had there, and they elected me. I had in the lodge a white secretary. I was offered, by Mr. Robert Johnson, \$3,000 to use my influence in the county against my constituency.

Question. What, in the legislature?

Answer. No, sir, in the county.

Question. To use your influence where?

Answer. To use my influence in my own county. I will tell you how it happened. I was appointed by Governor Smith, myself and the fellow called William Turner, at Wetumpka, to canvass the third district. He thought I could do some service with the party, I suppose.

Question. Governor Smith did?

Answer. No, sir, Mr. Johnson; he offered me \$3,000 to use my influence in favor of the democrats.

Question. What did you tell him?

Answer. I told him that Jesus Christ was betrayed for thirty pieces of silver, only one to the thousand to what he offered me; that he wanted me to do the like; but that I wouldn't do it for \$3,000 or to save my life; that I held my life more dear to me than anybody else, but I wouldn't betray my people to save my life.

Question. Who was Robert Johnson?

Answer. A gentleman that stays up in Tuskegee, in my place. Misfortunately he happens to be my wife's father, I believe. I don't know that, but I think he is.

By Mr. BLAIR:

Question. You think that Mr. Johnson is your wife's father?

Answer. Yes, sir. He wanted me to have something though; he was a democrat, and he thought \$3,000 would help us a little if I would change my politics.

By the CHAIRMAN:

Question. What was your occupation?

Answer. I was a shoemaker before I was a musician. At that time I was a representative from that county.

Question. In the legislature?

Answer. Yes, sir. When I was shot I was a representative of the State.

Question. Did you have a good deal of influence with the colored people?

Answer. I had them every one, just from my authority; that is true. I used the influence; I was threatened every day, but I rode around and I got them all, and insured them as constituents with my authority; from my assurance to them that I had acted for them where they placed me as my constituents, I had them right with me to do whatever I wanted done in the county. I had that commission from the grand lodge, and I took a vote to that thing. I worked altogether by that, and I never varied from it a letter up to the time I was shot.

Question. How much of a club did you form?

Answer. I reckon between three or four hundred or five hundred, I reckon.

Question. You were about telling the committee the cause of your being shot. You may go on now and state what warnings you received and the threats that were made.

Answer. I received a Ku-Klux letter from them once. I brought that down and gave it to the general in command here.

Question. What did they write to you?

Answer. That I had better leave—wait and let me get it together; it's a long time ago—that the bloody moon and the highway murderers was seeking my blood; that the tombs in the grave-yard was rumbling together against each other to receive my body—have you got the midnight robbers and murders down?—and I had better leave. Now, sir, I was told by a gentleman named Harper, in Tuskegee, that there was a letter of that kind in the office for me, which he knew all about. Mr. Harper—I hope you will take that name down, particularly—I told him I was a representative of the State then, and had a box, and I went for my letters every day; I didn't think I ought to be taught what time to go to the office. I went there and got the letter, and Mr. Phelps was the postmaster at that time in Tuskegee. I wanted him to notice that I got that letter out of the office.

Question. Did you show him the letter?

Answer. Yes, sir.

Question. Did you open it in the office?

Answer. No, sir. I opened it and handed it to the sheriff, and he read it, and after I took the letter out and handed it to the sheriff, and got him to read it—a gentleman by the name of Mr. Moore was the sheriff at that time; I don't know the initials of his name, but I think it was James Moore—after the letter was taken out, Mr. Henry Foster and Mr. Bill Dougherty, which is a republican now—he has changed since—met me on the street, and told me that they were Ku-Klux. In the day-time that was done; they had no disguises on; they had pistols though, plenty of them. One had four and the other had two. They told me that they had Jesus Christ tied, and God Almighty, the damned old son of a bitch, chained, and they were Ku-Klux. This was in the day-time. They told me that they were going to kill me, but if I would join the Ku-Klux they would spare my life. Then they asked me if I didn't see them leading Jesus Christ and God Almighty through Tuskegee as an elephant? I told them no, and if they were at the place I was at, in their beds, at that time of night, they would not have seen them. They persuaded me then to burn up the Ku-Klux letter that I had. I told them no, I would hand it over to the general, which I did. I told them I would bring it down to the general and wouldn't burn it, and I did so.

Question. What general was that?

Answer. I can't recollect now who was in command here at the time. It was the general that came after this cripple-man they had down here. I could tell in the morning which; I will make a report if you want it.

Question. Was that the only warning you had that the Ku-Klux were coming?

Answer. No, sir. My house is between the court-house and a church they call Zion church, which they posted it up on the bridge. I was compelled to cross over going to my house.

Question. What did they post up?

Answer. That if ever I attempted to cross the bridge, my throat should be cut, and that a damned nigger that was a republican should not live anywhere about them. I was persuaded by several of the citizens not to cross the bridge. I told them that on the thirteenth, fourteenth, and fifteenth amendments, I thought I had a right to cross any place that would lead me to property I had bought and paid for, and I would go. I crossed the bridge several nights, and the notice was there, but I never was attacked.

Question. Did you receive any other notice?

Answer. Gentlemen, there's only three things I want to say: I want you to understand what General Battle, the gentleman I was with in the command, which bought me as a slave and carried me into the army, and even went near enough to send on the capital at Washington, General Battle—I suppose you have heard of the name—I want to tell you what he said to me the second or third night after I was shot.

Question. Were you a soldier in the war?

Answer. Well, sir, I was for awhile with them, because I was a slave.

Question. In the confederate army?

Answer. Yes, sir.

Question. Did you carry a musket?

Answer. No, sir; I always have been a musician. I fought in the Mexican army, a boy. I never did anything else in my life. They forced me to enlist then. I will tell you what General Battle did. The sheriff of Macon, Mr. Paget, after I was shot, Sunday morning, got that—that, I think, is the most particularest thing you gentlemen has got; that is, his action with me, a colored man. The probate judge of the county, on the Sunday morning after I was shot, came to my house. His name is Mr. Menniffee. He told me that I attempted to celebrate the fifteenth amendment; which I did. I will own that. He wanted to show me that a nigger couldn't hold no office in that county no longer, and he knew that I was going to be shot; that a nigger wasn't fit for nothing else than to drive oxen, and drive the carriage of white folks. I refused then to have any arrests made of men that had threatened my life the night before. I told them I couldn't get justice, and I didn't want any arrests to be made. He brought the soldiers there, and forced me to make arrests of the men that shot me, or threatened my life, formed a counsel for me against my wishes, which was a white man that had lost all his property on account of the fire, and I had some property, and he wanted to get hold of my house and lot. They had me taken out. After two days after I was wounded they took me out of my house and hauled me in the wagon, in the rain, to the court-house, and they examined me from 8 o'clock in the morning until 6 in the evening, drawing gallowsses and everything before me to keep from getting in the right evidence that I knowed, but it didn't effect nothing with me. They told me I had made myself so conspicuous in the county, I made my way to Washington, which I did. I went to Washington, sir, and I came back, and they said, "We intend to kill you before you shall rule this county any longer." A gentleman by the name of Tom Dryer, on Monday morning after I was shot, on Saturday, living on the next lot to my lot, my own property, had a woman that was a cook, came and told me, or sent word to me, that if I am not dead, I should die; and the sheriff, Mr. Paget, on the Sunday night, came there, and put a guard of twelve colored men—he took the names down—to guard me and my property. I was wounded at the time, and my wife was. He said there wouldn't be any more disturbance at all; they would show me that there wouldn't be any more. He instructed these men to stay right in my yard, and take care of me and my property. About ten minutes after he left. I was fired on that night by the same crowd. I will tell you exactly what I did.

Question. How did you know it was the same crowd?

Answer. General Battle was the man that was appointed by Governor Smith to get up a posse, they call it, and said he meant to quiet the thing; and he told me afterward they did. On Monday night I was shot at again. Gentlemen, I am going to tell you the truth. I was wounded, lying on wet clothing.

Question. Where was the guard?

Answer. Lying on my floor, and all around my bed, knowing I was a man that always did right. When they fired on me, I heard the words, "God damn you, follow me, and we will show you what we will do with you." Being lying in the bed, and hearing the sheriff of the county taking the names of these men that he had placed to guard me, to see that I should not be hurt any more after I was shot on Monday night, I jumped up. I had an old sword, that was made me a present by a colored man, and I went in the yard and commanded the men, how the sheriff had placed them in the yard, and told them not to go out of the gate. I fastened the gate with this hand, and I held the sword in this hand, and then I kept them back. I had done made them ground their arms in my house two days before that, but the sheriff put them there. I held the gate, and said, "Don't go out of that. Obey the orders of the officer of the county."

Question. You told the guard that?

Answer. Yes, sir.

Question. You kept them in your house?

Answer. No, sir, in the yard.

Question. How long after that before you left the county?

Answer. It was the week afterward.

Question. Have you ever lived there since?

Answer. I have been away ever since.

Question. Have any persons been prosecuted for shooting at you?

Answer. Well, the first time they took them up, they tried to prosecute them in a way to blind me. But they couldn't blind anybody, because we have no republicans in that county but, I think, Mr. Jake J. Martin; he is the Fifth Auditor, I believe, in the Treasury Department. He left the county in my hands, as you will see in the paper. I begged him to put juries there.

Question. Has anybody been punished for shooting at you? Please to answer.

Answer. No, sir; they were punished in this way: they were given whisky and cigars, and congratulated by white men that night for their bravery for attacking me,

and the only thing they had against them was, I was not killed. I have been in this place sixteen months, not allowed to go to my own property, and I am suffering. My horses, one of them, is killed; taken away from me and the buggy cut up. My house and lot is there, and I am not allowed to go near the county. Now, sir, I want to tell you one thing more; I went there six months after that. I went to Governor Smith, the governor, which has sent for me while he was up there, to settle this question. I am sorry to tell you, but from the station I took in that county I carried it republican every time. I was register and then representative. I carried it so that every black man, woman, and child, and everything else, was for me, and I was offered \$3,000 to change the thing, and because I wouldn't take it I was shot. I want to tell you this.

Question. That is information I have not asked for. Will you please answer my questions?

Mr. BLAIR. Tell us all about that.

Answer. After they offered all this money, they said they would send a man that would do it, bragging over it; that they had a man up here that would represent to suit them. I am not a representative now. That man has got the county so that the negroes are all leaving it. Now they want to use me as a Tennessee man would use a gray horse among mules. They would give me fifty dollars to get me to use my influence as a democrat in that county; but if I was shot for any crime, I want to stay away. I shan't go back there, to lead them people to the democratic party. I don't belong here; I am a South Carolinian, born and raised in Charleston, and I will not do it. But I will go back there when I have the authority to carry that county republican; whenever I am protected by the thirteenth and fourteenth and fifteenth amendment as a man amongst men, I am willing to go back any day, if I have the authority to do as Mr. Colfax told me to do when I was in Washington last. I was in a convention, sir. I was one of five men that went up to Washington City when one hundred white men went, and I am the only man that is living. Every one is killed or dead that went there to the inauguration of Grant. Mr. Abercrombie said I should not live, but God Almighty said I should, and I am living.

By *Mr. BLAIR* :

Question. Robert Abercrombie said you should not live?

Answer. Yes, sir.

Question. You say that all the other men who went to Washington City are dead?

Answer. Yes, sir; not from Macon County, but from the State.

Question. How many of you went?

Answer. Five; only five of us, and the auditor, here, Mr. Reynolds, took us around, and gave us introductions to the officers in Washington and Governor Smith.

Question. Who were the other four men who went up with you?

Answer. A fellow named Berry, from Mobile; a fellow named John Carroway, a member of the legislature.

Question. Where did he live?

Answer. He is dead; he lived in Mobile, and Jones and Alston—that's my name—and Gregory.

Question. Does Judge Battle live in Tuskegee?

Answer. I don't know whether he is there now or not. He got into some little difficulties there and left. I don't whether he is there or not. Mr. Bowen is there. He is the only man I could say is a republican in the whole county.

Question. The only white man?

Answer. Yes, sir; he is postmaster there now. Well, sir, Mr. Battle, after fighting me on that night, or fighting those boys, came in on Tuesday morning; Monday night was the last time they fired on me. Tuesday morning General Battle came in. He felt my pulse and he felt my head, and he told me I had a very hot fever. I told him I had. He says to me, "Jim, I have found that negroes will fight. I come now to you to make a compromise. I want to compromise with you. The county is big enough for all of us to live, and if you will quiet your men, I will quiet mine." I told him I had no men but the colored men in Macon, and the colored men in the State of Alabama, and the colored men in the United States was looked upon to be the only law-abiding and quiet men by the sense of the Congress of the United States. That is what I told him. Then there was a committee sent to wait on me, to make me sign something, that I didn't do. It was to show that I had got up a conspiracy in Macon County, and that I was willing to leave the county and go away to Georgia or some other State. I told them I had some money invested in Montgomery, and I was compelled to get that money before I could leave the State. They asked me how many days then it would take me to get this money I had in Montgomery? I told them two or three days. That committee then allowed me two or three days to come down here and get the money I had invested, and then I could get away from here and go to Georgia or some other State. But they said if I staid any time over that two or three days, they had friends down here to take me up and hang me. They tried to fool me in that way. Of the eight men they sent to wait on me, not one of them was an

officer of that county or any other county, and I thought the best way I could do to save my life was to acknowledge or agree to whatever they said; to do the best I could, and get away. They pursued me so close I had to take the woods. I run and jumped my fence out of my own house and run.

Question. Was that in Macon County?

Answer. Yes, sir.

Question. I thought that was in Tuskegee?

Answer. It was in Macon County; Tuskegee is the county-seat of Macon County.

Question. You had to run?

Answer. Yes, sir; I run and staid in the swamp ten days.

Question. Who were the men of this committee?

Answer. Mr. Carlos, Mr. Johnson—

Question. Was it Robert Johnson?

Answer. Yes, sir.

Question. Who were the others?

Answer. General Gunn, Thomas Dryer, Mr. Campbell, Mr. McMullen, Doctor Grigg.

Question. Did you quit the county then?

Answer. I didn't quit right then. I was in the swamp ten days before I quit. They had men hunting me every day. Orders was given by Mr. Abercrombie for me not to be taken—but I was too sharp—wherever they found me to kill me; that the dead couldn't tell tales. That's what he has told. I staid in the swamp, and dodged him in it, and dodged every time I saw them coming, and I made my escape by walking fifty miles, all night and day, going to Montgomery.

MONTGOMERY, ALABAMA, October 18, 1871.

WM. DOUGHERTY sworn and examined.

By the CHAIRMAN:

Question. State where you reside at this time.

Answer. At Opelika, Lee County, Alabama.

Question. Of what State are you a native?

Answer. Of the State of Georgia.

Question. Where were you living in June, 1870?

Answer. In Macon County, Alabama, at Tuskegee.

Question. What was your occupation at that time?

Answer. Practicing attorney—I am a little too fast, it might be said I was a practicing attorney at that time, but I was doing no business; I had got a commission as assistant marshal to take the census for that county.

Question. Did you take the census for Macon County?

Answer. I did, sir, for a large portion of the county.

Question. You may state to the committee whether you were ever molested or interfered with in the discharge of your duties as assistant marshal.

Answer. Yes, sir; some time in the month of June, after I had been engaged in my work about a week, I received a communication from the chairman of the executive State committee, General Healy, requesting my attendance in Montgomery, to confer with certain members of the republican party in relation to the political status of Macon County, to see what could be done to restore confidence among the republicans there; they had been disorganized by an attempt to assassinate J. H. Alston, in the night-time, in his house, somewhere about the first of the month of June, probably the first Saturday in June; I know it was on Saturday night when it was done.

Question. Was this Alston the colored representative in the legislature of Alabama from Macon County?

Answer. He was, sir.

Question. You may state the particulars of the outrage upon him, so far as you know or learned them from reliable sources at the time.

Answer. All that I state now is what I learned and what was generally reported in the community. There had been a meeting of the republican party, or the Central Republican Club of the county, as I understood, at Zion church. Alston had attended there, and there was quite a full attendance. After the meeting, and after the congregation had dispersed, about between 12 and 1 o'clock—it might have been 1 o'clock—a party of armed men fired into Alston's house. He was about retiring to bed with his wife. As I understand, he blew out the light immediately upon the discharge of the first gun, or about that time. Alston was wounded in one or two places. His wife was wounded in the ankle. She was then in a critical condition, *enciente*; and the head-board and the wall were marked with bullets, buckshot, and pistol-balls. Three or four freedmen were taken up, charged with this attempted assassination of Alston, and

confined in jail. When the report of what had happened had gone out into the county, freedmen assembled there on Sunday (the day following) from all sections of the county, and there were at least seven or eight hundred people in the place, and their object, as they said, was to take these freedmen from the jail and execute them summarily. The sheriff interposed, collected his posse, and held them in check for some time. The governor was notified, and a company of United States troops went up there with the governor. As I understand, the governor made them a speech. It was not necessary to call out the military. The crowd dispersed at the notice of the government, or warning of the governor; and immediately after, or within a few days afterward, those parties who had been imprisoned were bailed. They were subsequently discharged, no true bill ever having been found against any one of them for that offense. This shooting, and the subsequent action there of the court, had a tremendous effect upon the republican party in Macon County. Men said there publicly that they should not meet unless they met at the court-house, and in the daytime, or at such other place as they gave them permission to meet in.

Question. Who said this?

Answer. Members of the democratic party; white men whom I knew belonged to the party. I was taunted with it frequently myself. That was the state of affairs in Macon County about the time I received this notice to appear here in Montgomery, to consult with the members of the republican party here relative to restoring confidence in Macon County.

Question. Before you pass from that, state what your information is as to the size of the crowd that assaulted Alston and his wife, and its composition.

Answer. Well, there could not have been less than three, and might have been as many as seven. That is just my idea from the bullet-marks and the number of shots that were fired.

Question. Did you see the shots?

Answer. No, sir; I never saw the shots. I was not in Tuskegee at that time. I got home that night after supper.

Question. Did you understand what was the cause of this assault upon Alston?

Answer. No, sir; it was charged against the parties who were committed on account of it, that it was some misunderstanding at the meeting.

Question. You say the parties who made the assault were never identified?

Answer. No, sir; members of the republican party, and good men in Macon County, always had a suspicion of who did it, but they never had any positive proof.

Question. You may proceed with your narrative, Mr. Dougherty.

Answer. About that time there was considerable rejoicing there, and a short time after that, that the republican party had been scattered to the four winds and their leader had been shot; and I received a notice, as I said before, to appear here for the purpose of reorganizing the party. I came, and on my return I went back on the accommodation train, and got to Chehaw a short time after dark. My horse and buggy were waiting for me. After I got my supper at the hotel, and gave the servant an opportunity to get his, I started for Tuskegee. Not quite half a mile, between a quarter and a half, three-eighths of a mile, passing through a swamp, I was fired into rather in the rear of my left flank. The ball passed through the sleeve of my coat in two places—cut my coat and my shirt of the hand that I had my lines in, my elbow being bent. It passed into the side of my coat and linen duster, and struck a letter memorandum-book in my left breast pocket, which glanced the ball in, and it struck me in the side, and came out about an inch and a half from my umbilicus. I was only fired at once, but heard the party, whoever it was, endeavoring to cock his gun; but my impression was, from the sound, that he had got the cylinder of his weapon about half moved around, and it had stopped from some obstruction; that was the impression formed upon my mind from what I heard. There was only one fire. This was in a swamp, an unfrequented place, and it was so dark that I could just see a little break in the timber overhead, indicating the road. I hurried off immediately, and got home. I stopped at Colonel Bowen's, and left some things there that I had got for him in Montgomery, and told him I had been shot, and he was very much alarmed, and requested me to get out as quickly as possible, and go home. I went over home—but I had better go back in my story—when I was first shot, this little boy was sitting on the left-hand seat; I suppose he was a lad between fourteen and sixteen; he fell down instantly in the foot of the buggy, and I thought he was killed. After driving half a mile, when I got out into the open woods, I saw him peep over the side of the buggy, and made him get up, and inquired if he was hurt. When I stopped at Colonel Bowen's, I told the boy to take my buggy and go down town, and get Dr. Johnson, and bring him out home immediately. I came over home, and the negro was there sitting in the buggy in the back yard, and the cook-woman was out there to help him unharness. I asked him, "Isaac, have you been for the doctor; don't you know I have been shot, and I sent you after the doctor?" As soon as I told him I had been shot, he jumped out of the buggy, and ran for town very much alarmed, and the cook-woman left me, and ran into a house

and closed the door. My mother went over to Colonel Bowen's, and got a freedman from there to go down town after Dr. Johnson. The boy went out of the front gate, got down to the lower end of the lot, jumped over the fence, and went back home; they were afraid. I mention these facts to show you the state of the people about there with regard to these things. I never got a doctor until next day. I may state further that the plans I proposed were carried out by the republican party, in Macon County, successfully, and I am satisfied that this effort was an attempt to take my life, to prevent the accomplishment of anything of the kind.

Question. Have you any knowledge or information as to who made or inspired that attempt?

Answer. Yes, sir; I think I know pretty well who did it; the man was named Smith, J. S. Smith. He was an employé at a livery-stable in Tuskegee, and had previously hung me in effigy, as also other members of the republican party. I have no positive evidence that it was him; but circumstantial evidence of the strongest character.

Question. Do you know of any other acts of violence perpetrated in Macon County during that year?

Answer. I do, sir.

Question. You may state them to the committee.

Answer. On the night of the 3d of October last—October, 1870—Hon. J. W. Norris, Judge Rice, and myself, made republican speeches, in the court-house at Tuskegee, to a very large crowd of republicans. Nearly all those at the meeting were freedmen. Judge Rice was interrupted frequently, and insulted most outrageously, and was given the damned lie in an undertone. Major Norris and myself were allowed to speak without interruption. After the speaking was over, and some other business connected with the meeting, Major Norris was grossly insulted and pressed upon by a party of half-grown boys, headed by the marshal there in Tuskegee. Major Norris staid all night with me, and after I had put him to bed, I went over to my neighbor's, Colonel Bowen, to talk about the events of the day, and matters generally in the county—county matters particularly. I left Colonel Bowen's about half-past 11 o'clock, and got back to my room, lighted a lamp, and commenced reading. I generally kept a light burning in my room all night, and would read myself to sleep. I had not more than commenced reading fairly before I heard the discharge of guns of some kind. I got up and went to the door. This Zion church was within probably three-fourths of a mile of my house. I heard firing into the church like the opening or commencement of a skirmish. I counted at least ten or fifteen shots, and then they got so fast I could not count them. There were two negroes killed; one was killed almost instantly, another died in the course of a week afterward, and five or six were wounded. This was a meeting of the stewards of the church, for the purpose of attending to some church matters, and I ascertained afterward that the party—but before I get to that, I will state that I ran to the door, and stood there until the crowd had passed. They separated; some of the crowd passed right by my house. The moon was shining so bright I could read print; I could read the paper very easily out in the moonshine. I saw the horses, but I did not go close enough. I did not go out in front of the house. They passed on by my house, and after they had got about forty or fifty yards beyond, they stopped and shouted and hooted and made all kinds of noises, and did the same when they got opposite Colonel Bowen's house.

Question. Is Colonel Bowen a republican?

Answer. He is; he is postmaster at Tuskegee.

Question. Was this crowd disguised?

Answer. I could not see them.

Question. Could you notice whether their horses were disguised?

Answer. I could not see them either; the road goes around, and I saw them on the opposite hill; it goes down a hill, and up another one; my house is on the second hill; I was afraid to go into the front part of the yard; in fact, I had made arrangements for hiding, and after they passed beyond my house, I went into Major Norris's room, and told him, "They are here; there is no doubt about that; they have been firing up town and they have passed on by here." He asked for fire-arms; I told him I did not have anything there but an old gun I had not shot for some time, and did not know whether it would shoot or not. I was very much alarmed. I told him, "Hold perfectly still, and not allow anybody to know you are here." I said, "I do not think they are going to attack you or attack the house." I went back, and I suppose sat up about an hour and a half or two hours and heard nothing more of them, and went to bed.

Question. How large was that part of the crowd which passed your house that night?

Answer. There were four or five, as near as I can recollect or ascertain.

Question. This was the same night of the political meeting?

Answer. It was.

Question. State who Mr. Norris was; and, if he was a candidate for office, what office he was running for.

Answer. Mr. Norris was the regular nominee of the republican party of the third congressional district for Congress.

Question. And who was Judge Rice ?

Answer. Judge Rice is a resident of the second congressional district, a republican, and a lawyer of some note and distinction.

Question. Is he the same Judge Rice who was chief justice of the supreme court before the war ?

Answer. Yes, sir ; for several years a judge of the supreme court, and chief justice ; he worked his way up to the position by resignation of other judges.

Question. You speak of Zion church ; was that burned that night ?

Answer. No, sir ; I think it was not burned.

Question. Was this a colored church ?

Answer. It was, sir ; it was desecrated awfully.

Question. The stewards of the church were holding a meeting that night in the building ?

Answer. Yes, sir ; they were attending to some church matters, and they had collected a kind of a purse there to purchase a bell, and had the money counted out on the table there ; they were straightening up their accounts when that happened.

Question. This church was situated in Tuskegee, was it ?

Answer. Yes, sir ; in the corporate limits of the town.

Question. You say two negroes were killed outright, and one was wounded and died afterward ?

Answer. Yes, sir ; shot in the mouth and head.

Question. And several others wounded ?

Answer. Yes, sir. There was a black mask picked up, also a note.

Question. Where was this mask picked up ?

Answer. It was picked up about the church.

Question. Did you see the mask ?

Answer. I never saw it.

Question. Did you see the note ?

Answer. I never saw it ; I could have seen it if I had desired.

Question. Did you understand what were the contents of the note ?

Answer. Yes, sir.

Question. What were they ?

Answer. It was a note written by some young ladies to some young gentleman in Tuskegee, declining an invitation to attend them to church, or attend him to church ; maybe one, or maybe two. This note was picked up by the pastor there—the colored pastor of that church—and repeated, and strenuous efforts were made by certain gentlemen in Tuskegee to obtain possession of it ; and by my advice and counsel, the parties having possession of the note brought it down to this place, and delivered it to General Healy. My object in that was, to ascertain who they were, and have these parties brought before the United States court.

Question. Did you understand how large the party was that fired on the church and the negroes inside ?

Answer. It was generally believed that there were about fifteen ; they separated into three parties after leaving the place.

Question. Were they all masked ?

Answer. I cannot tell.

Question. You have no information upon that subject ?

Answer. I have no information upon that subject.

Question. What was the cause of their hostility to the church or the members of the church ?

Answer. The church had been used as a place for political meetings ; the League had met there ; I never belonged to the League, but I know the League did meet there, and I have met there frequently in political meetings after the League had discontinued its regular meetings.

Question. Did it ever transpire who committed this outrage upon the church ?

Answer. It never has.

Question. Has there never been any judicial inquiry into the matter ?

Answer. There was a coroner's investigation over one of the freedmen who were killed at the church, but if they ever did anything I am not advised of it ; I do not think any efforts have ever been made to ascertain who did it.

Question. Do you know any other instance of outrage upon colored people or Union men in that county ?

Answer. Yes, sir ; I do ; nearly every colored church and school-house in the county was burned up.

Question. What number ?

Answer. The Arbor at Warrior Stand was burned ; it is an Indian name, named after the Big Warrior that used to be in that vicinity ; the Sweet-Gum church, on Calcebee Creek, also ; then there was another church and school-house burned down—I am trying to think of the name ; it has been so long since that time, that I had dismissed these matters from my mind ; but there was one other burned down, but the name I

cannot now call to mind. That Arbor, at Warrior Stand, I suppose, was the best property that was burned up; that had been used there at a camp-meeting by the white people, and they gave it to the colored people there after they had discontinued their camp-meeting; but the Sweet-Gum church, at Calcebee, was purchased by the freedmen. I canvassed Macon County during the campaign, and the freedmen would invariably request me not to hold my political meetings in their churches, or about them, or their school-houses; they feared they would be burned up.

Question. When were those churches and school-houses burned?

Answer. They were burned before the election, in the fall of 1870—of last year.

Question. Your election took place in November, 1870?

Answer. Yes, sir; November, 1870.

Question. And this burning took place during the pendency of the canvass?

Answer. Yes, sir.

Question. What was the avowed purpose for burning them?

Answer. There was no purpose avowed at all, but it was done; I understood that it was a spleen against the freedmen—more against the republican party than anything else.

Question. What was the relative strength of the two parties in that county?

Answer. Well, it was about between three and four to one.

Question. Which had the majority?

Answer. Republicans have largely the majority.

By Mr. BUCKLEY:

Question. What was their majority in the Grant election?

Answer. I do not recollect; the statistics will show that; I cannot call to mind, but I know this much: I made myself exceedingly active in the election before, and the election in 1869, when Mr. R. S. Heflin was returned from that district; there was considerable feeling in 1870; I am told there were at least 600 republican voters in Macon County who did not vote at all.

Question. What was the cause of that?

Answer. On account of threats and actual deeds of violence that had been committed, and because they were told they should not do it.

By Mr. BLAIR:

Question. Do you say men were deterred from voting?

Answer. Yes, sir; I know a white man, one of the most intelligent men in Macon County, who had been a republican, and he came up and voted an open ticket—an open democratic ticket out and out. He said the reason he did so was, because he was afraid to do otherwise.

Question. Who was he?

Answer. Dr. W. J. Gautier.

By the CHAIRMAN:

Question. Do you say he was a republican in principle?

Answer. Yes, sir; he had acted with the republican party, and he came up to the polls and voted the democratic ticket out and out, and said the reason was he was afraid to vote otherwise; that the Government could not protect him against public opinion in this matter; that all he had was here; he was certainly afraid of his property being destroyed and his life taken. I can state, furthermore, that after this Alston affair, no member of the republican party in Tuskegee felt safe; Colonel Bowen, the present postmaster there, for several nights did not pull off his clothes; most of them slept with double-barreled guns and pistols about them, and Colonel Bowen slept in another room from the room he had been in the habit of sleeping in, and kept a lamp burning in a different room from the room he slept in; I changed my room at home on account of some female members of the family coming home, and was on the ground-floor. I was afraid to keep a lamp burning in my room after dark, and never went out of the house after dark.

Question. Do any other instances of violence occur to you now?

Answer. I do not know that I can particularly call to mind any now, there were so many occurring that I heard of; but these I give you as authentic.

Question. You may state to the committee what prosecutions, if any, have ever been instituted in the courts for punishing the men who committed these offenses.

Answer. None whatever; as I previously stated, these parties I mentioned were arrested.

Question. I do not refer to the Alston affair, but the others.

Answer. None whatever.

Question. With that exception, no attempt has been made to bring these men to justice?

Answer. None whatever.

Question. After the election did things quiet down?

Answer. Yes, sir; I might mention two other things that occur to my mind now that I have some recollection of. I had been advertised to speak at certain points in the county in connection with a gentleman by the name of Booth, from Autauga, the solicitor of that county, and Mr. Knox, of this place; they were to attend me in my circuit around the county. Mr. Knox never came, but Mr. Booth did, and he attended one meeting with me, and I am satisfied, from the demonstration there, that Mr. Booth was afraid to attend any other.

Question. What was the nature of the demonstration?

Answer. We got down there in the morning—got there early—and Mr. Booth went over to a store. I went to Mr. Glass, the republican senator from Macon County. I went to his store and stopped there; Booth walked about, and one man insulted and cursed him without any provocation whatever, and they took out their shot-guns and fired off their squirrel-loads, and put in buck-shot.

Question. Before the meeting?

Answer. Yes, sir; I could hear them calling to each other across the street to bring powder and buck-shot over. I regarded it merely as a piece of business to terrify me, or something of the sort; they went off down just off the main street, and fired off their guns, and came back and loaded them, and when we went down to the place where the speaking was, this crowd came down there; one man brought a gun to the speaking, and several had their pistols buckled upon them.

Question. Was this a day or night meeting?

Answer. It was in the day-time. I apprehended some difficulty down there, and had a gun and pistol myself, and Mr. Booth threw his cloak over my gun to hide it, and I pulled it off. I made my usual speech to the freedmen there, and Mr. Booth made a very conciliatory speech.

Question. Was there any interruption of the meeting?

Answer. None at all, sir; there was not a word said that I heard; I understood that while I was speaking a man rode up on horseback, and made some demonstrations with a pistol, but I never saw them; that was behind my back. Mr. Booth left then, and we traveled to our appointments in the night-time; we would leave before day; we started at unseasonable times, and we had a purpose in doing it; that was one time when I thought there was an effort and intention to intimidate, to terrify during the canvass. At another point, at Hunnicutt Precinct, in Macon County, I got down there expecting to see a large audience; there ought to have been at least three hundred there; I found about fifty or sixty, and they were all armed, either with guns or with pistols.

Question. Do you mean the freedmen?

Answer. The freedmen were all armed with guns or with pistols. I drove up to the store, and asked what was the cause of it. The justice of the peace there, who was a member of the republican party, came out and told me that three men had been down there the Saturday previous, and had cursed him, using very profane and indecent language to him, and had dared him to do so and so, even to speak, and then went up to the door and tore down a notice that had been posted up there of my coming there to speak, and spoke of me in very harsh and rude terms, and said they would be there to meet the gentleman when he came.

Question. Were they democrats?

Answer. Yes, sir.

Question. Leading men in that part of the country?

Answer. I cannot say they were, but they came from very good families; they were young men; one of them was a married man; they tore down the advertisement, and this one-armed man I spoke of, Morrison, threw some bread and crackers he had been eating into the magistrate's face, and one of the young men I think drew his pistol, and told him to kick him, to kick the magistrate; that he was a coward and dared not resist, and notified him, "We will be down here to meet the gentlemen when they come;" when I got down there and found the freedmen all armed, I felt very bad; I do not know that I ever felt worse on any occasion of the kind; I was afraid these parties would come; if they had come I could not have restrained the freedmen from killing them; they were prepared; they had their guns there, and I knew I would have been immolated before I could have got back to town, or to Montgomery, or anywhere where I could have been protected.

Question. You spoke of the meeting on the 3d of October, 1870; when Mr. Norris and Judge Rice spoke; what was the nature of the interruptions made while Judge Rice was speaking?

Answer. They would hiss him, and say, "You know that is not so," and "That is a damned lie," and various interruptions of that character.

Question. Did you know the parties who interrupted him?

Answer. I cannot now say that I do.

Question. Were they armed?

Answer. I do not know if they were; I saw no weapons produced at all; there were some weapons drawn upon Major Norris, or exposed rather, after the meeting.

Question. Was there any democratic paper published at Tuskegee at that time?

Answer. There was the Tuskegee News.

Question. Did that paper report these several outrages that you have described?

Answer. Yes, sir; they reported them, and charged them upon republicans.

Question. On what ground did they charge them on republicans?

Answer. On various grounds; they said when I was shot in the swamp at that time, that I was drunk and shot myself; they sent a man over there to borrow my pistol the next day, a particular friend of mine, and I had not a pistol; I never had one, and I never secured arms until after that occurrence.

Question. What were the comments of that paper upon the shooting of Alston?

Answer. I cannot now recollect, sir; people seemed to have lost sight of the aggravation of the offense, the heinousness of the offense against Alston, because the people were alarmed there when the negroes came in in such crowds; they thought they were going to burn the town or commit some other devastation, and they seemed to lose sight of this other offense altogether, in their anxiety for their own safety; and the moment this crowd dispersed at the instance of the governor, on his suggestion parties just stepped forward and gave bond for those freedmen charged with shooting them, and they bragged there they could give a million dollars bond if they wanted it.

Question. Was it the habit of this democratic paper to make light of these outrages or excuse them?

Answer. Yes, sir; and deny them, or say they were ordinary casualties happening every day, and when one would break out, a thing like the shooting of Alston or the firing into the church or a person firing at a man, they would say republicans did it, or he did it himself.

Question. Did that paper discountenance these acts of violence?

Answer. They never did so openly; they have never published it in their paper. I do not know any democrat in the State of Alabama who ever has, and I have repeatedly told them, "If you will just hold an indignation meeting, and frown down such a thing as this, you can stop it; but if you do not, you never can."

Question. What would be their reply?

Answer. They would say, "It does not concern me, and I have got nothing to do with it."

Question. Is it your opinion if leading influential democrats of that county had set their faces against those outrages, and made a determined effort to repress them, they could have done so?

Answer. I am satisfied they could, and I am satisfied that on account of the course they have pursued they may be said to have connived at these things.

Question. I understand you to say that the result of these various acts of intimidation that you have described was to reduce the republican majority of that county about 600?

Answer. Yes, sir; to break it up entirely, and did reduce it in the last election.

Question. That number of republican voters staid away who otherwise would have attended the polls and voted the republican ticket?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Was not your republican majority in 1869, at the congressional election, about 1,100 in Macon County?

Answer. Yes, sir; it was 1,160. I recollect Mr. Heflin's majority was very near 1,160. I think 1,160 were polled, but some were cast out by the board of supervisors.

Question. Do you recollect what it was last year, at the State election?

Answer. Yes, sir; it was 750, all polled. The board of supervisors threw out a great many. I think they threw out, probably, over 300. I will not be certain, now, about that.

Question. So that the official majority was reported about 500, was it not?

Answer. Yes, sir; about that.

Question. Do you know of any other disturbance in the counties adjoining Macon?

Answer. None, sir, but what I have heard of. I have heard that Mr. Hyman was run away from Chambers County, and Mr. Ward was mobbed there. Mr. Hyman is here, and will be brought before the committee. He told me he had a subpoena to attend here this morning; and I heard or got newspaper accounts of all these reports in Middle and Western Alabama.

Question. Have you heard of any school-houses being burned and schools broken up in Macon County?

Answer. Yes, sir; I have mentioned them.

By the CHAIRMAN:

Question. Was this Alston you have referred to a leading influential man among the colored people of Macon County?

Answer. Yes, sir; more so than any other man in the State or county. I think he

had a stronger influence over the minds of the colored men in Macon County than ever I saw exerted or used by any man in any case.

Question. Was he, on that account, very obnoxious to the democratic party of that county?

Answer. Yes, sir, very.

Question. Have you heard him frequently denounced?

Answer. Frequently.

Question. Did you ever hear of threats made against him?

Answer. No, sir; I heard of threats, communicated to me, that were made against myself. Mr. Harmount, a member of the legislature from this county, was going down from Tuskegee on the train, and two gentlemen were sitting immediately in front of him, and talking about things in Macon County, and one of them said they had run Alston off, and if they could get rid of Alley, the present representative, and Dougherty, they could manage the freedmen; and the other said, "Yes, we have got to get rid off them, and if we cannot get rid of them in one way, we will do it in another." I remained there for three months, and probably would never get down town but once or twice during the whole time.

By Mr. BUCKLEY :

Question. Has Alston ever returned to that county to live?

Answer. No, sir. One thing I forgot to mention in connection with this shooting affair, many arrests were made on account of the mob or unlawful assembly.

By the CHAIRMAN :

Question. What unlawful assembly?

Answer. The meeting of the freedmen after Alston was shot, to punish these parties, and protect Alston also; they had a double purpose; many arrests were made, and they were arrests of the most prominent republican leaders in the county among the colored men; those parties were kept in jail for two or three days, and then liberated upon condition that they would leave the county, or leave the State. Henry Cook, and a shoemaker there, and very prominent leader of the republicans among the freedmen, a freedman himself, was told that if he would leave he might do so; if he did not, they would enforce the law against him.

By Mr. BLAIR :

Question. Who told him so?

Answer. Members of the democratic party there in Tuskegee.

Question. Who were the men that told him so?

Answer. I do not know who they were.

Question. How do you know they were members of the democratic party?

Answer. I was told so by Cook himself.

Question. Did he tell you who they were?

Answer. I do not think I asked him; he is in Columbus, Georgia, now; he can be brought here by the next train; he will tell you.

Question. I wanted to know what he told you, and how you knew.

Answer. He told me.

Question. Is this man Alston a man of character and standing?

Answer. Among the colored men, he is.

Question. Is he a man of truth and veracity?

Answer. I think he is.

Question. He stated that you, in company with Mr. Henry Foster, that "Mr. Bill Dougherty, now a republican, met me in the streets, immediately after this attack was made upon me, and told me they were Ku-Klux, and were going to kill me;" did you say that?

Answer. Immediately after what attack?

Question. Upon him?

Answer. No, sir, I never said it.

Question. Did you ever tell him on any occasion that you were a Ku-Klux?

Answer. I have no recollection of ever doing so.

Question. Did you, in company with Mr. Henry Foster, ever have any such conversation with him at any time?

Answer. I have no recollection of ever having had, sir.

Question. Do you not recollect whether you ever told him that you were a Ku-Klux?

Answer. I have no recollection of ever doing it; I never belonged to any such organization.

Question. Then he could not have told the truth; did he tell the truth?

Answer. I say, if I ever told him so, I was jesting; but I have no recollection of ever telling him so.

Question. Is not that a matter you would be likely to recollect, if you had ever told him so?

Answer. I have no recollection of ever telling him so.

Question. Would not you be likely to recollect such an occurrence?

Answer. I cannot say that I would.

Question. Is your memory as bad as that, that you cannot remember an important matter of that kind?

Answer. I know Foster may have said such a thing to him in my company, but I do not think I ever did; I have no recollection of it, if I ever did. Foster is one of these foolish, hair-brained sort of fellows, and most generally under the influence of liquor, and says and does a great many things that are not so.

Question. In a matter of that kind, and with reference to a subject about which there was so much feeling and excitement as you have described, is it possible that you could have held that language and not remember it?

Answer. I state this to you, General Blair, that I am satisfied, that after the shooting of Alstin in his house there, I never made at any time, under any circumstances, any such statement in Henry Foster's company, or the company of anybody else.

Question. Did Henry Foster ever make any such statement to him in your company?

Answer. I cannot tell.

Question. Could not you remember, if you had been in the company of Henry Foster, and he should state such a thing as this, under such circumstances?

Answer. Well, Foster does and says so many foolish things that I do not know that I would pay much attention to what he would say at any time.

Question. The statement he made was: "Mr. Henry Foster, and Bill Dougherty, now a republican, met me in the street and told me they were Ku-Klux, and were going to kill me;" that implies that both of you made the statement?

Answer. I never made it.

Question. "They persuaded me to burn up the letter that I had received or just taken out of the post-office," giving a circumstantial account of the letter, a threatening letter, directed to him, which came to his hands through the post-office; and he says he called the attention of the postmaster to this letter at the time he received it, and that you and Foster persuaded him to burn it up?

Answer. I never did.

Question. You do not remember that?

Answer. I never knew that he received a letter; I have frequently received Ku-Klux communications.

Question. That is not the point now. I want you to answer the question I am asking you. If you have anything to say about Ku-Klux communications there is ample time for it. You never knew that he received such a letter?

Answer. Never.

Question. You never persuaded him to destroy it?

Answer. No, sir.

Question. Then he did not tell the truth about that?

Answer. I do not know whether he does or not; but when he says I did that, he is mistaken about it.

Question. He says he brought it down and showed it to the general in command here; that he refused to be persuaded by you. You state that the majority of Macon County, in 1869, was 1,100, and in 1870, at the congressional election, was 500?

Answer. Yes, sir; I do not pretend to be strictly accurate, General, but that is my best recollection.

Question. Do not you know the fact to be that, in the testimony taken in the contested election between Mr. Norris and the sitting member, it was proven that crowds of negroes came over from Georgia and voted at Tuskegee, and in other election precincts of Macon County?

Answer. There was no such testimony with regard to Macon County; there was an effort made with regard to Russell County, which is separated from Georgia by Chat-tahoochee River; there was testimony to that effect, and testimony against that. I recollect the testimony distinctly, because I was representing Major Norris as his counsel at the time. I recollect the testimony upon both sides.

Question. You say there was no such testimony as to Macon County?

Answer. None whatever.

Question. Mr. Dougherty, were you ever indicted for a crime?

Answer. Yes, sir.

Question. What was the crime for which you were indicted, and what was your defense?

Answer. I was indicted for murder.

Question. What was your defense?

Answer. The defense was, that at the time the deed was committed I was under the influence of morphine to such an extent as destroyed my reason. That was the evidence admitted by the State.

Question. Was not the defense that you were insane?

Answer. No, sir.

Question. Where were you tried?

Answer. In Macon County.

Question. When was this occurrence?

Answer. The occurrence was Sunday evening, in my room, the 12th day of January, 1868, and I was tried in December of the same year.

Question. 1869?

Answer. No, sir; December, 1868.

Question. Who was the offense committed upon; who was the person killed?

Answer. One Timothy Davis.

Question. Was he a white man?

Answer. Yes, sir.

Question. Who charged these freedmen with the outrage upon Alston?

Answer. I do not remember, sir. At the time these parties were arrested, and during almost all the time that this disturbance was going on in Tuskegee, I was in a different part of the county, taking the census.

Question. The negroes, you say, assembled from all parts of the county to execute the freedmen charged with the crime?

Answer. Yes, sir; and also to protect Alston, their representative.

Question. They had a distinct purpose, to execute these men?

Answer. After they got there they had so much so that the sheriff had to summon a posse to protect them.

Question. The parties were bailed, and subsequently discharged upon bonds given by whom?

Answer. I do not remember. I did recollect, too. I do not recollect now; but I had a certified copy of the record attached to the testimony in the Norris and Handley contested-election case, but I cannot call to mind the testimony on that point now.

Question. You say that the charge was that there was a misunderstanding in the meeting of the freedmen prior to this assault upon Alston?

Answer. Yes, sir.

Question. And that by reason of this misunderstanding the parties made this attack?

Answer. Yes, sir.

Question. Was there such a misunderstanding at the meeting?

Answer. Not more than was ordinary among them at the meetings there.

Question. They generally have a misunderstanding, do they?

Answer. There was generally a good deal of confusion and excitement at their meetings. They were organizing a club there, and there were some parties there who wanted the ascendancy, and there was a party that wanted to get some of Alston's influence that were really opposed to Alston—one or two.

Question. Upon whose affidavits were these men arrested?

Answer. I cannot now call to mind. I never examined the record. I had it taken, and had it attached. I do not think I examined the affidavits; if I did, I have forgotten it entirely.

Question. They were arrested on affidavits, were they not?

Answer. I cannot say that they were. I cannot say now whether they were arrested upon affidavits, or just simply taken up on suspicion by the sheriff without a warrant.

Question. Was the sheriff a republican?

Answer. Yes, sir; not a very zealous one, but he claimed to be in the republican party. He did not vote the republican ticket at the last congressional election. I did not consider him a republican, and would not let him have any of the tickets for distribution. He called on me for them.

Question. You had recently become a republican, then?

Answer. I was a republican in 1867, but I never manifested it. I was a republican before my trial, in 1868, but I never let it be known. I talked with some members of the republican party, intimate friends of mine.

Question. You had not announced yourself as a republican at that time?

Answer. I never announced myself as a republican until after my trial.

Question. At the time that Alston says you told him you were a Ku-Klux you had not announced yourself then as a republican?

Answer. O, yes; I had.

Question. His language is that "Bill Dougherty, now a republican, met him, and told him he was a Ku-Klux." That seems to imply that he did not know that you had announced yourself then as a republican?

Answer. Well, it must refer to some other time. If I ever did such a thing it was a long time before 1868.

Question. You think it probable, then, that you did do such a thing?

Answer. No, sir; I do not think it. I have no recollection on that subject; if I ever did such a thing I do not remember it. I never belonged to any such organization. The Ku-Klux papers were posted on my door in 1867. I do not know whether they were intended for me, or a party who was right under me.

Question. You gave an account of an attempt to assassinate you, and stated it was your belief that J. S. Smith was the party?

Answer. Yes, sir.

Question. What were the circumstances that led you to that belief?

Answer. Mr. Smith I had never spoken to in my life; he hung me in effigy, or Colonel Bowen and myself, on the court-house square, for the interest we had taken in the town election in Tuskegee. This was done during my absence from home. Upon my return I ascertained that he was the man who did it. I said nothing to Mr. Smith at all, and did not give the matter any consideration or care about it. The day I went to come down to Montgomery here—it was the 27th day of June that I came—I carried my books along—my census papers, and got down to Chehaw to take the statistics of that county close around there. I wanted to work until the train came; I was pushed for time. As I passed up by warehouse this man Smith was there. He came out and looked at me and went back; his wagon was loaded; he was hauling for Mr. J. L. Adams. I went down to the hotel. When I came back—the hotel is two hundred or two hundred and fifty yards distant from the warehouse—Smith's wagon was still there. He was sitting in the wagon with his lines and whip in his hands, and, as I passed around by him to get into the shadow of the house—it was a very warm day—he gave me a very rude, insolent stare, so much so that it was insulting to me, and I determined to call him to account for it right there; but after I had got in the shadow of the house, I concluded not to pay any attention to him, as he had not said anything to me, and I might be arrested there if I raised a difficulty with him, and it might interfere with my trip to Montgomery. I said nothing to him; and, as I got out, I told this little boy, "Do you take my horse home now, and walk him every step of the way, and come back here to-morrow evening to meet the accommodation train."

By the CHAIRMAN:

Question. Did Smith hear that?

Answer. Smith was sitting right there in his wagon, and I was as—well, he had room to turn around but he did not; he let the boy go ahead. I told him to take the buggy to the shop and have it mended, some traps put on, and come back the next day to meet the accommodation train, and I left him. He drove right on behind the boy. The boy did not travel the regular road to town, but turned out to the right, which carried him out by my house, and Smith asked him, "Is that the way you go?" The boy answered, "Yes, sir." He says, "Why don't you go this way?" The boy said, "This is the nearest way to Mr. Dougherty's house; he always travels this road." When I got back after I was shot the boy came in and told me this. He was a boy I hired expressly to carry my things over. He told me these things; he told me that when he went down next day to meet the train, he got there some time before the train arrived, and concluded to water the horse, and started back on the road to Tuskegee, a different road from the one I travel. He really went back to drive the horse more, and he met Smith coming in his shirt-sleeves, with a pistol on him, a Colt's revolving rifle. He asked him, "Has the accommodation train come?" The boy told him "no." He hurried on; the boy watered his horse, and turned around and went right back to Chehaw and did not see Smith there. He asked a freedman there, named Jacob Dodge, "Have you seen Mr. Smith?" He has left his wagon that he has been hauling over with, and inquired of me if the accommodation train had come." Jacob said, "No, I suppose Mr. Adams has turned him off." Adams was a very strict man in matters of business. Smith did not appear when the train came; he came up and staid all night at Higginbotham's tavern; he was recognized there. There was a friend of mine, a Mr. Bryan—a personal, but not a political friend—who saw him there early next morning, and he said, "What are you doing, Smith; have you come from Tuskegee this morning?" He said, yes, he had. No omnibus had come in, no hack or wagon of any kind; it was just about sun-up; there had been no train either way on the road. The track-walker said that he staid there all night, and so did some freedmen who were waiters at the hotel. The sheriff saw him there next morning, and so did General Gunn, an attorney there, who lives in Opelika. The sheriff examined his gun, and asked him what he was doing with it. He said he brought it to kill game. After I had passed him at the warehouse, and gone down to the hotel, he walked in and says to Mr. Kennedy, the warehouse-keeper, "There is that God damned census-taker going along there." Mr. Kennedy says, "If you do not trouble William, he will not bother you"—Kennedy has a peculiar way of talking—"he will not trouble you unless you trouble him." He says, "What has he done to you?" Smith says, "Well, he is a God-damned radical;" and then he used other words in connection with my lameness, my infirmities. He said he hated me on that account, and that the first opportunity he got he intended to give me hell, or words to that effect. A short time afterward, when I began to get well enough to go down town, I was so well satisfied that he was the man, that I at once took a buggy and went an unfrequented way to General Gunn's one Sunday to have this man arrested. I went by the most out-of-the-way route I could find, and employed Gunn and Colonel R. F. Ligon

to prosecute him ; but he got intimation of it from some cause, I do not know what—I cannot tell how he did—but he left that day, and has never been back to Tuskegee since. He came in on the hack next morning after the shooting, and Colonel Bowen and others saw him on the hack. Mr. Adams, his employer, was asked why it was he was down there, and Adams replied that he had gone down there to see a Miss Henry, a young lady ; and I took occasion to inquire of the Henry family, and they said he never was in their house in his life. He was a stranger about there ; he had very recently come ; I had no acquaintance with him whatever, but I could frequently hear of his making harsh remarks about me. I never paid any attention to him, because he was a man in a very menial occupation, and I did not care about having any difficulty with him.

By Mr. BLAIR :

Question. You consider, then, that this attempt upon you grew out of the hostility of this individual ?

Answer. Well, he could not have had any personal animosity against me, because I never gave him any cause. When I first saw the man there about the stable, I thought then to myself, "There is some poor confederate soldier who is wounded, and cannot do any other sort of work than to clean out stalls, and I will make his acquaintance, and, if he is the right sort of man, I will let him know he has a friend in me." But before I ever got acquainted with him, I found him cursing and abusing me. He shot at a man there simply because he was a republican, and for nothing else. He made his brags that he had taken three shots at him before he could kill him ; he said he was the hardest man to kill he ever shot at.

Question. Who was the man he shot at ?

Answer. J. H. Hodnett.

Question. Who did he tell that he shot at Hodnett ?

Answer. I heard P. R. McKinzie—I will not be positive whether it was Mr. McKinzie ; but now I recollect that the circumstance was mentioned in the presence of Mr. McKinzie, and he said, "Yes, Hodnett had complained of being shot at one night as he left his billiard-room."

Question. You say McKinzie said that Hodnett had complained of being shot at after leaving his billiard-room, and that this man told McKinzie that he had shot at him ?

Answer. It was told there in the presence of several. I do not remember who were present. I cannot call to mind who were present.

Question. Were you present ?

Answer. Yes, sir ; I was there.

Question. Were you present when this man declared that ?

Answer. O no, sir ; I was not present when he declared it ; I was not present then. I have been trying to think who it was I heard say it. It was some man who was acquainted with him there.

Question. Who did Smith tell that Hodnett was a hard man to kill ; that he had shot at him three times ?

Answer. That all came up in the same way ; I got it from the same man.

Question. You cannot remember whom ?

Answer. No, sir ; I do not remember.

Question. When did you hear that ?

Answer. I heard that after I came down town.

Question. After you had been shot ?

Answer. Yes, sir ; and after I got well, and came down town. I was making some further inquiries. I presented this man Smith to the grand jury, but I do not know whether they ever got a true bill against him or not ; their proceedings are all secret. I would not be apt to know unless they should arrest him.

Question. He said that he shot at him three times, and that he was very hard to kill, and that he had shot at him because he was a republican simply ?

Answer. No ; he did not state that he shot at him because he was a republican.

Question. You said so.

Answer. I did not mean to be understood that the word "republican" was used in that connection, but that was the real cause of his shooting at him. I do not know that he stated the cause.

Question. How do you know it was the cause ?

Answer. For this reason : that Hodnett was rendering himself peculiarly obnoxious to the people there in his political course, and was doing some very improper things, as I thought myself.

Question. What were those improper things that he was doing, as you thought ?

Answer. Well, there are some things that he did there which I thought were improper. He encouraged the freedmen to go to town after Alston was shot. I thought that was improper.

Question. And for that reason you know that it was Smith shot at him, although Smith did not say that he had shot at him because he was a republican ?

Answer. Another reason—Smith was abusing republicans generally, and threatening them generally. I could hear of these things in different ways.

Question. And for that reason you know that he shot at him because he was a republican?

Answer. If he shot at him at all. I have only Mr. Smith's word that he did shoot at him, and I would not likely believe Mr. Smith unless he was corroborated.

Question. Did Smith tell you that he shot at him?

Answer. I never spoke to him in my life.

Question. Who did he tell that he shot at him?

Answer. I do not recollect.

Question. You stated that after a certain meeting, at which you had spoken, and also Major Norris had spoken, Major Norris was grossly insulted by a crowd of boys and men headed by the marshal.

Answer. Yes, sir.

Question. Who is the marshal?

Answer. His name is Avery, I believe. I know this only from what I heard Major Norris say. I want that so qualified. Major Norris went over everything that had transpired when he got to me. I was not with him at the time. He saw me and came across the street, and was very glad to meet me, and then told me about the insults that had been heaped upon him there.

Question. You spoke of a note that was picked up at the church on the occasion of the assault upon it, which note you say was by a young lady; to whom was that note addressed?

Answer. As I never saw the note I can only state what I heard. If my recollection is correct, the note was addressed to a young man by the name of Morrison, and a young man by the name of Barton.

Question. Addressed to two young men?

Answer. Yes, sir. I will not be positive about that, as I never saw the note. I did my best to have that note secured, and sent down here before the district court, not for any political purpose, but to preserve law and order up there.

Question. Who are Messrs. Morrison and Barton?

Answer. Mr. Morrison I do not know, but Mr. Barton was a lad, I suppose, nineteen years old.

Question. Did he live in Tuskegee?

Answer. Yes, sir; his father lives there now. I think his father was a candidate for sheriff—that he is a candidate now, or was, I do not know, but he is living there with his father still. He staid probably down on the plantation, on his father's place, and superintended matters.

Question. You do not know who Morrison was?

Answer. I never saw Mr. Morrison—this gentleman that was spoken of; he had a married brother who was living there not far from Tuskegee; he had a farm in the country. I never saw the young man, and would not know him if I was to see him now. I knew the married one. He was a one-armed man, and the same man that threw the faggots in the magistrate's office in Hunnicut.

Question. Were any proceedings taken or had against these two young men?

Answer. None at all, sir. Now, Dr. J. G. Griggs, as I am informed, made repeated efforts to get hold of that note. I don't know by what authority he wanted it, but I advised the parties in possession of it not to let him have it, but to keep the note secure and pass it about among them until they had a safe opportunity to deliver it to the United States marshal. They wanted to give it to me, but I would not have it, and would not even look at it.

Question. Why would you not look at it?

Answer. I did not want to be connected with it in any way; I was afraid to have it in my possession, or to let it be known that I had it in my possession.

Question. Did you regard it as an evidence of the guilt of those parties?

Answer. I could not tell how it would be regarded, but it bore date on Sunday and it was found about the church there on Tuesday morning, I think—the following Tuesday.

By the CHAIRMAN:

Question. When was the church fired upon?

Answer. On Monday night between 12 and 1 o'clock.

By Mr. BLAIR:

Question. Why was it not put before the grand jury?

Answer. The note?

Question. Yes.

Answer. Well, I did not counsel them to put it before the grand jury, because I did not think the grand jury would take any notice of it.

Question. Are the officers of the county all republicans?

Answer. Well, they were elected by the republican party; the probate judge, sheriff and circuit clerk, but the circuit clerk was merely nominally the clerk; he got a man there to do the business of his office. The circuit clerk really was his deputy, who was not a republican; he is a very clever man; I would not have been afraid to have trusted the paper with him myself—with this deputy—but I did not think it would do any good; I really was not advised as to the proper place to leave the note for investigation.

Question. Who summoned the grand jury?

Answer. The sheriff, the probate judge, and the circuit clerk.

Question. These parties were all elected by the republicans?

Answer. The sheriff and circuit clerk were elected; the probate judge was appointed by the governor—Governor Smith.

Question. You did not think the grand jury selected by these gentlemen would take any notice of it?

Answer. No, sir.

Question. Why?

Answer. Well, for this reason: that they were composed, or generally had been composed, principally of democrats there, men who were bitter in their political feelings; there had been one or two republicans upon the grand jury there—white men.

Question. Are there not always negroes upon the grand jury?

Answer. There never has been a negro upon any jury of any kind in Macon, except one; the coroner's jury there empanelled some negroes upon one occasion when I was acting as coroner.

Question. You think, then, that a grand jury consisting of a majority of democrats in that county would refuse to indict a man guilty of assassination and murder?

Answer. I do not believe it where the evidence was plain and manifest; I do not believe they would then.

Question. In this particular instance, this flagrant outrage you have described, an assault upon inoffensive men in a church, was not put before the grand jury?

Answer. I do not say it was not put before the grand jury, but I say if the grand jury ever took any action in the matter I am not advised of it, and would not be until a *capias* had been issued to the party arrested; there have never been any arrests made, and nobody has ever left the county, as I know of, except Smith.

Question. You know, in fact, that a very important piece of evidence which was in the hands of republicans, to wit, the letter to which you refer, never was put before the grand jury?

Answer. I am satisfied in my own mind that that paper never was before the grand jury.

Question. It never was in the custody of any one except republicans?

Answer. It never was that I know of. Now, the preacher there, John Butler, who had charge of that paper, came to me, and told me he was going to deliver it to Mr. Paget, the sheriff, and I advised him not to do it. Says I, "Do not do it; the United States marshal is the proper custodian of that paper; carry it to him."

Question. You were asked the question by Senator Pratt if there were any prosecutions against the parties who committed these acts. You replied that there were not, to your own knowledge.

Answer. Yes, sir.

Question. I ask you the question if all the officers through whom a prosecution could be instituted were not republicans, and all the evidence in regard to that transaction in the hands of republicans?

Answer. Well, the county officers, as I before stated, were republicans, and, with reference to that particular act, the paper was in the hands of republicans.

Question. And republicans only?

Answer. Republicans only, so far as I know.

Question. Who, then, is responsible, if any one is responsible, for these prosecutions not having been instituted?

Answer. Well, I might be said to be responsible for that paper not having gone before the grand jury, because I advised a contrary course. And the reason why I advised it was, that I was afraid that justice would not be meted out to the parties. I was uncertain as to the best manner of proceeding in regard to it; I thought future events might develop more facts, and I wanted the paper in a safe place.

Question. Did Dr. W. J. Gautier tell you he was afraid to vote the democratic ticket?

Answer. He did not; we have not been on intimate terms, and at several times there has been a coolness existing between us.

Question. Who did he tell?

Answer. I got my information from Colonel W. B. Bowen.

Question. The postmaster?

Answer. Yes, sir. Colonel Bowen and myself were together. I recollect the occasion on which he told me; we were talking about the lamentable state of affairs in

the country, and the fear on the part of the people to express their true sentiments, and, among other things, he just mentioned that as a very sad thing in this country.

Question. Did you know that Gautier was a republican?

Answer. He belonged to the League, and met frequently in republican meetings. I have been in republican meetings with him. I do not know what his politics are now. He is a man of influence, standing, and property.

Question. How did you know he was in the League?

Answer. From information; from having heard him say so; I heard him say so in a speech.

Question. You have seen him in republican meetings?

Answer. Yes, sir. I never was in a League myself.

Question. How long since did you see him in a republican meeting?

Answer. I saw him in republican meetings in the winter or spring of 1870; I know that I saw him in two political meetings.

Question. That was prior to the last congressional election?

Answer. Yes, sir; prior to the congressional election in 1869—no; let me see—not prior to the congressional election in 1869; it was prior to the last congressional election, before the month of June.

Question. You had never attended republican meetings prior to that yourself, had you?

Answer. I commenced in 1869, I think; I made myself active in the congressional campaign of 1869; I did all that I could honestly and conscientiously do for the success of the republican ticket.

Question. You stated that the people were alarmed at the crowd collected to defend Alston?

Answer. Yes, sir.

Question. And to kill the men charged?

Answer. Yes, sir; and I understand, also, and it was a general report there, that Hodnett and Alston had sent out runners through the country for the freedmen to collect there, to protect Alston's life. He was very much alarmed, and many of them came at his bidding.

Question. You do not know who went on the bond of these parties?

Answer. Who shot at Alston?

Question. Yes.

Answer. I think I do.

Question. Give their names, will you?

Answer. I think they were Jesse L. Adams and R. A. Johnson; if there were any others, I do not remember; there may or may not have been.

Question. Is R. A. Johnson Robert Johnson?

Answer. Yes, sir; Robert A. Johnson. I think he belonged to the commissioners' courts of roads and revenues of the county. This is the same Adams who owned the livery stable, and had J. R. Smith employed.

By the CHAIRMAN:

Question. Were Adams and Johnson democrats?

Answer. Both of them were.

Question. They were bondsmen, as you understand, upon the recognizances of the men who were arrested for firing upon Alston?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Your statement is, that the people were alarmed at the crowd that collected to defend Alston, and execute those charged with his attempted assassination, and after the dispersion of this crowd these men gave bond for these parties?

Answer. Yes, sir.

Question. Do you mean to infer that the bond was given because they were alarmed at the demonstration which the negroes made to take their lives?

Answer. No, sir; they held them in custody for a day or two, until it was safe to release them, and then they took their bond. My idea is, that they would have had the investigation right away, but the excitement was so great in town there, that they thought it prudent to detain them in custody for several days, and then have a preliminary trial, which was had, I understood, before the circuit judge and the probate judge, who is *ex-officio* county judge; and these parties were bailed; I do not remember the amount of the bond; I would say \$400, anyway.

Question. They were subsequently discharged?

Answer. Yes, sir; I do not think the grand jury ever found any bills against them.

Question. Was there any examination?

Answer. Before the grand jury?

Question. Yes.

Answer. Not that I know of. In the regular course of things, these bonds ought to

have been returned by the circuit clerk to the grand jury, and I think they were, and I think that was developed in the Norris and Handley investigation—that no bills were found against them.

Question. You do not know the testimony upon which the arrests were originally made?

Answer. No, sir.

Question. You can form no opinion as to whether there was any ground for the arrest of those parties?

Answer. No, sir; well, yes; they say that the lie passed between Alston and John Adams, one of the parties, before the meeting broke up. There was some bad feeling between them before the meeting broke up, engendered by something that transpired in the meeting.

By the CHAIRMAN:

Question. You were asked by General Blair whether you had been indicted for murder, and what your defense was; you may state whether your defense prevailed—whether you were acquitted.

Answer. I was acquitted. The jury staid out about three-quarters of an hour, and returned a verdict of not guilty.

Question. I will ask you to state if you ever heard a rumor that the democrats instigated the attempt upon Alston.

Answer. O, yes; that was very common among the republicans there.

Question. That they instigated these freedmen to attack him?

Answer. Well, no particular persons were instigated; among the republicans there, there was a general belief with every one that I had any talk with, that there were white men connected with the shooting at Alston, and that this man Smith was one of them.

Question. The Smith who subsequently fired upon you?

Answer. Yes, sir; that he was one of them. About that time, all these difficulties and misdemeanors that were committed there in town, were traced right there to that livery stable—the burning, and the hanging in effigy, and all.

By Mr. BLAIR:

Question. Was that a misdemeanor?

Answer. I beg your pardon; that was not a misdemeanor, but a violation of the town ordinances there; there were other misdemeanors committed; I think it is a misdemeanor under the laws of Alabama, if I am not mistaken.

By the CHAIRMAN:

Question. You know of no cause for your being hung in effigy, except that you were a prominent, active republican?

Answer. None at all; we carried the town at the town election.

Question. This Smith was a violent democrat?

Answer. Yes, sir.

Question. You say you have frequently received Ku-Klux letters?

Answer. Yes, sir.

Question. Will you give the purport of those letters to the committee, how they were signed, and how you received them?

Answer. I will state as to the first letter I received. Mr. Heflin notified me that he had secured the place of postmaster at Tuskegee for me; I made no application to Mr. Heflin at all, but they ran the postmaster off from there; he was afraid to remain in the place.

Question. Who ran him off?

Answer. Well, he left there about the time of this Alston difficulty. He was a northern man, named Gilbert. He left there, and Mr. Heflin, I suppose, to do something for me for my zeal in his behalf, secured me the appointment of postmaster of Tuskegee, and, as soon as it was ascertained that I was postmaster, after I had returned my oath and was preparing a bond, I received this first Ku-Klux letter. They told me that the *vox populi* was opposed to my holding that position; that they understood that I had made application and had received the appointment; and that if I had not received it, I had better withdraw my application, and if I had received it I had better resign; and they would advise me to travel for my health. They gave me three days to pack up and leave the county, and stated that, if I did not, the angel of death would visit me in my chamber; it was signed K. K. K., and a sort of postscript stating, "A word to the wise is sufficient."

Question. Did you receive any subsequent communications of similar purport?

Answer. I received a filthy, profane sort of one, threatening to kill me, but I paid no attention to that, and I offered a reward for the man that wrote that. I received a letter out of the post-office at Tuskegee. When I went to the post-office, I saw a crowd gathering around, I suppose fifty or sixty; I got the letter out and broke it open, and

stood in the door and announced publicly that I would give \$500 to know the man who wrote it; that I would cowhide him; and nobody made me any reply at all, and I got in the buggy and drove off.

Question. What is your opinion as to the existence, in the year 1870, of a Ku-Klux organization in Macon County, or of an organization similar in its objects and practices to that of the Ku-Klux order?

Answer. It could only be a matter of belief, Senator, a matter of opinion. If I ever saw a Ku-Klux I do not know it; I could not point him out; but I am satisfied that there was such an organization in Macon County at the time of which you spoke.

Question. In 1870?

Answer. Yes, sir.

Question. Have you any idea how widely it extended—how many members it embraced?

Answer. I cannot say, sir. I think it extended all over the county. I will state this much—I do not know, really, as I ought to state it—I do not believe I will, because I considered it confidential, and I do not want to bring in the man who said it to me, and it would prove very little.

Question. Were you active at the polls, in 1870, distributing tickets?

Answer. Yes, sir.

Question. Doing all you could to promote the election of the republican ticket?

Answer. I was. I had the whole of the tickets for Macon County, and I sent them out and put them in safe hands. The large majority of the republicans voted at Tuskegee. They were requested to vote there.

By Mr. BLAIR:

Question. In 1868?

Answer. In 1870. I received the tickets, and put them up in packages of about fifty, and I selected trusty freedmen, members of the republican party, and stationed them at the different avenues going into town, and told them to distribute these tickets, and as soon as they got out, to come to me and get some more; and not to give any white man a single ticket; that if any white man, a republican, wanted a ticket, to send him to me. In that way they were all given out, and the democrats did not get hold of any of our tickets until about 3 or 4 o'clock in the evening. I had repeated requests for tickets to make alterations. The sheriff, in fact, wanted tickets, and I asked him particularly, "Do you want to take any name off the ticket?" He said he did. I said, "You cannot have them." He said he was a member of the republican party. I told him, "I do not know that you are; you did not pay anything for the printing of these tickets, and do not attend the meetings. If you will give me your word of honor that you will vote the ticket as it is, or give them to such men as will, you can have them."

By the CHAIRMAN:

Question. What manifestation of feeling did you observe on the part of the democrats on account of your activity at that election?

Answer. Well, men passed me there in town during the election, and would not speak to me. I gave a ticket to an old freedman who had formerly belonged to a Mr. Howard, and he told me, "Bill, don't you vote that man, or I will have him indicted, and you will be responsible for sending him to the penitentiary." He was a man clearly entitled to vote, and Mr. Howard was very active on the other side, and at the close of the polls, when they were being counted out, and they saw the majority the republican ticket would get there, I passed around—we had two polling places in the grand jury room, lower floor—I passed around from one window to the other, to ascertain as soon as I could how the thing would run, and as I passed by a crowd of, I reckon, of some fifteen, one of the party—some man—said in rather an undertone, "You damned scalawag." I heard it distinctly, but concluded to pay no attention to it. I passed on a little further, and it was repeated in a still louder tone—perhaps just such a tone as I am talking now. I still paid no attention to it, and it was again repeated in a loud tone. I turned around and looked at the crowd; I had not noticed them particularly until then; and I saw several men in it who I knew were very bitter, and I knew generally went armed. I tried to ascertain who it was that made the observation; it was not repeated after I turned and looked on them. The marshal was standing right there; the marshal and myself did not speak; we had not been upon speaking terms for a year. He seemed to be restraining these fellows. I passed within three feet of him going back. I went back by him to see what they would do, and whether they intended to follow up their insults. There was a portion of a company of United States troops within one hundred and fifty yards, and I knew they were there for the purpose of preserving peace and order, and I was not afraid of these fellows at all on that account. I passed back by them, but they said nothing about it; the marshal was talking to them. I paid no further attention to it, and went around to the other door, and they sent a drunken man to devil and harass me. I was told since then, by Mr. W. G. Brewer, the hotel-keeper of Tuskegee, while I was there attending the

Norris and Handley contested election case, that Avery, the marshal, told him on that occasion that he saved my life; that he prevented those fellows from killing me.

Question. That was upon election day?

Answer. Yes, sir; the day I referred to when they called me a damned scalawag. Avery and myself were not upon speaking terms at the time.

Question. You may now speak of the composition of the grand and petit juries of Macon County—whether they were composed mostly of democrats or republicans.

Answer. Most generally all democrats. I cannot call to mind but one republican that I ever knew on a grand jury there; that was Colonel Bowen; but I do not pretend to say that there were not others.

Question. State whether you have ever noticed any discrimination on account of color or political opinion in the administration of justice in your courts, in the verdicts which your justices render.

Answer. Well, I do not know that I have; I recollect on one occasion of defending a freedman who was charged with shooting at another—assault with intent to murder. I got him off with a fine of about \$20, and I really thought myself that he ought to have been acquitted, but I do not pretend to be unbiassed in a case of that sort; my feelings were enlisted in his behalf, and one of the jurors afterward was laughing at me; he is a good friend of mine and a clever man, but one of the strongest democrats you ever saw; he was laughing at me and complimenting me on my defense of this boy, and said in a laughing way, "I do not know as I was a competent man on that jury, for I do not know whether I could do a negro justice under any circumstances." Whether he was in fun or in earnest, I cannot tell.

Question. State what the condition of public sentiment in that county is on the part of the democrats as to the maintenance of colored schools.

Answer. I cannot tell what it is now, but there were some few of the democrats who thought it was a good thing, and others were opposed to it. Some people's prejudices prevented them from espousing anything of the kind, or even tolerating it.

Question. To what cause do you ascribe the burning of the colored churches and schools you have spoken of?

Answer. I think it is done to prostrate and disorganize the republican party as much as possible. Now, I do not charge the better people of Macon County with doing these things directly; but I think they are to blame indirectly, because they permitted these things to be done by young men and reckless men, without ever censuring or manifesting any displeasure at all in regard to them, because I have asked them; and when we felt unsafe, when Colonel Bowen and myself and other republicans in Macon County felt that our lives were liable to be taken at any moment, I have requested him—I never made any such application myself—I requested him to go and see these men, and ask them to frown down such things as that.

Question. I understand you to say there has been no such effort made on the part of the democratic party in Macon County to frown down or discountenance these parties?

Answer. No, sir; if there ever has, I do not know it.

By Mr. BLAIR:

Question. You stated that you were acquitted on the trial for murder?

Answer. Yes, sir.

Question. There was no dispute about your doing the killing?

Answer. No, sir; they say I did it. I have no recollection of it at all.

Question. You do not dispute the fact?

Answer. O, no, sir.

Question. You were acquitted on the plea you stated to the committee you put in?

Answer. Yes, sir; we told the State we would be ready for trial if they would admit the fact that at the time the killing was done I had eight or nine grains of morphine in me, which was the fact. The druggist who had sold the morphine to me was then in Pennsylvania. He had moved North.

By Mr. BUCKLEY:

Question. I find by reference to the vote in the secretary of state's office here, that for Grant, in 1868, the vote was 2,327; for Seymour, 1,075 in Macon County.

Answer. Yes, sir.

Question. I find the next year, in the election held August 3, 1869, R. S. Heflin, the republican candidate, received 2,043 votes; J. C. Parkinson, the democratic candidate, received 877 votes, which is a decrease in the majority as well as in the total vote cast last year.

Answer. Yes, sir.

Question. Then, in the congressional election held November 8, 1870, B. W. Norris, republican candidate, received 1,701 votes, and W. A. Handley 1,240.

Answer. Yes, sir.

Question. To what cause do you attribute the large diminution of the republican

majority between the Grant election, when it was 1,352, and the election of 1869, when it was 1,166, and 1870, when it was only 461 majority?

Answer. When Mr. Heflin was elected in 1869, Major Norris was the unanimous choice of the republicans of Macon County for Congress. And a good many of them at—

Question. I mean to what cause do you attribute the great falling off in the vote of last year—the falling off of the majority?

Answer. I was going to state that Major Norris was the unanimous choice of the people of that county, to my certain knowledge, for Congress, if he had been treated fairly in the convention at Opelika; and, of course, they were not as zealous in the support of Mr. Heflin as they would have been.

Question. That refers to 1869?

Answer. Yes, sir.

Question. Now, in regard to the election of 1870.

Answer. I think the shooting of Alston, the burning of colored school-houses, and the threats of discharge from employment and other intimidation practiced by democrats toward republicans, and the murders and lynching, prevented them from voting, and frightened them so they would not vote.

Question. If it had not been for those things of which you speak, do you think the republican vote of Macon County would have been as large in 1870 as it was in 1868?

Answer. I think it would, and I think Major Norris would have received a larger majority, because there has been a great exodus of people from this portion of the country to Texas, and there have been some freedmen brought in here from North Carolina and Virginia as laborers. I think it would have been larger both years.

By Mr. BLAIR:

Question. You were Major Norris's counsel in taking testimony?

Answer. Yes, sir.

Question. That was the theory you were endeavoring to establish in the contested election, that you are testifying to now?

Answer. I do not think that point was raised at all.

Question. Did not your proofs or attempted proofs in that case go to establish that theory?

Answer. I do not think that I ever mentioned, or that any witnesses ever mentioned, the facts I have just stated.

Question. It seems that Major Handley's vote was increased over two hundred votes; does not that account for the diminution on the other side?

Answer. We have never regarded that as a fair vote. I think likely Handley, in the county of his residence, Randolph, may have gotten more votes.

Question. I am not talking about Randolph, but the statement here as read from the returns, if they be true, and I presume they are, shows that the vote was at least two hundred more than received by the democratic candidate at the preceding election.

Answer. I attribute that to this fact: Mr. Parkinson, democratic candidate, was an Ohio man. He moved down here about the close of the war.

Question. When did Norris move down here?

Answer. I think Major Norris was here before. The first knowledge I had of Mr. Norris being in the State at all, was a short time after the surrender. I think Mr. Parkinson came here in 1866. The object, as I understand, in having Mr. Parkinson on the ticket, was to control the negro vote. That was the policy of the democratic party.

Question. Mr. Parkinson received 877 votes; Major Handley 1,240, an excess of 300 votes; the increase of the vote on the democratic candidate being near about the same as the decrease of the vote of the republican candidate. There is, therefore, no decrease absolutely to be accounted for?

Answer. It would look so, arguing from those premises; but you will see a decrease of near six hundred votes from that received by General Grant.

By Mr. BUCKLEY:

Question. Was it not a fact that, in the Grant election, there was a freer vote cast than at any other time in Macon County?

Answer. Yes, sir; there is no question of it.

Question. Less intimidation?

Answer. There was none at all.

Question. Less violence?

Answer. Yes, sir; the democrats manifested no interest at all in that election, as far as I know; and I do not think all the republicans voted then; and I am satisfied in my own mind that they never have all voted in Macon County.

By Mr. BLAIR:

Question. Is not that the case everywhere?

Answer. In some places, sometimes it is; but I think there were more here who did not vote than ordinary.

Question. You stated that the supervisors of election threw out, in your congressional election, three hundred votes?

Answer. Yes, sir.

Question. Who were the supervisors?

Answer. The probate judge, sheriff, and circuit clerk.

Question. All republicans?

Answer. Yes, sir; all were republicans.

Question. What were the votes thrown out for?

Answer. I think about three hundred were thrown out.

Question. What for?

Answer. Well, this fact transpired in the investigation in Macon County between Major Norris and Mr. Handley, that there were many names on the registration list that were written so badly that the board of supervisors could not identify them with the names written down on the poll-list.

Question. Who were the registrars—were they republicans?

Answer. Mr. Allen was the registrar; he was a republican; but Mr. Brooks, his son-in-law, a violent democrat, did all the business. He is solicitor of Macon County. I will state that I do not believe Mr. Brooks did anything of the sort intentionally, but he writes a miserable hand.

Question. Did he register the whole county?

Answer. No, sir; he did not register all, only a portion of it; there were other registrars. I think Mr. Allen got the registration for the whole county and got other parties to do it for him. He got a Mr. Kyle to do a portion of the registration.

Question. What is Kyle's first name?

Answer. Ponsonby Kyle.

Question. According to the election law here in operation, the board of supervisors has a right to throw out a portion of the votes if they see proper?

Answer. Well, they have a right to purge the ballot-box, and throw out all illegal votes; that is my understanding of the law.

Question. Now, if these 300 votes had been added to the list, the vote would have been about the same as it was in the Grant election, would it not?

Answer. No, sir; it would have lacked over 600 votes. Grant's majority was about 1,300 and something; there were 750 votes polled, and the supervisors cast out nearly 300, and if you add that, about 600, which was really the number in the county who did not vote at all, to the 750, counting in this 300 thrown out by the board, you will have nearly the same as General Grant got.

Question. The vote cast for General Grant was 2,327, for Seymour 1,075?

Answer. That would leave about 1,300 for Grant.

Question. The whole vote would have been 3,402, and the vote cast for Handley was 1,240, for Norris 1,701, making 2,941; then 300 votes were thrown out by the supervisors, which, if added to the total, would be 3,241, leaving the excess in the Grant election about 160 over that of 1870—is not that correct?

Answer. My impression is that you counted in the 300 thrown out twice.

Question. No, I did not.

Answer. The return made by the board of supervisors was returned this way; they returned a full statement of what they had done—the whole number of votes cast and the number thrown out.

Question. We have the official statement of Macon County, as filed in the secretary of state's office; that official statement gives Handley 1,240, Norris 1,701, which makes, added together, 2,941; the 300 votes you have testified were thrown out by the supervisors make 3,241; that is only an excess of 161 over the presidential election vote.

Answer. It is in the neighborhood of two hundred, according to that calculation.

By the CHAIRMAN:

Question. Was the marshal in Tuskegee a democrat or republican?

Answer. He was a democrat.

Question. A very decided, strong democrat?

Answer. Yes, sir; I think he was. He was a man who stood very well, but he was a bitter democrat.

Question. I desire to inquire of you whether, under the laws of Alabama, the marshal is a conservator of the peace; is he in the nature of a policeman?

Answer. He is. Under the election law of the State, it is made the duty of the sheriff to detail a special police, and to have them wear badges, so that the crowd may know them when they see them; and the marshal on this occasion was made, I think, the chief of this special police, in addition to his being a conservator of the peace, marshal of the town.

1042 CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Statement of official vote of Macon County, Alabama, at the presidential election held on the 3d day of November, 1868.

| | |
|------------------|--------|
| For Grant..... | 2, 327 |
| For Seymour..... | 1, 075 |

Congressional election held August 3, 1869.

| | |
|--------------------------|--------|
| For R. S. Heflin..... | 2, 043 |
| For J. C. Parkinson..... | 877 |

Congressional election held November 8, 1870.

| | |
|--------------------|--------|
| B. W. Norris..... | 1, 701 |
| W. A. Handley..... | 1, 240 |

Election for representative to general assembly held November 8, 1870.

Republicans:

| | |
|----------------------|--------|
| Wm. Alley..... | 1, 694 |
| Henry St. Clair..... | 1, 702 |

Democrats:

| | |
|----------------------|--------|
| H. C. Armstrong..... | 1, 242 |
| F. S. Ferguson..... | 1, 243 |

OFFICE OF SECRETARY OF STATE,
Montgomery, Alabama, October 18, 1871.

I hereby certify that the above is a correct statement of the official vote of Macon County, Alabama, as transcribed from the original returns on file in this office.

[SEAL.]

J. J. PARKER,
Secretary of State.

MONTGOMERY, ALABAMA, *October 18, 1871.*

OSCAR JUDKINS (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Lee County, Opelika.

Question. How long have you lived there?

Answer. I was living there ever since January of this year.

Question. Where did you live before you went to Lee County?

Answer. Chambers County.

Question. How far is that from here?

Answer. I don't know exactly how far it's from here; it was in Chambers I lived last year.

Question. Is Fredonia in that county?

Answer. Yes, sir; I think it is. I live between Fredonia and La Fayette.

Question. La Fayette is also in Chambers County?

Answer. Yes, sir.

Question. Is it the county seat?

Answer. Yes, sir.

Question. State what you know of a colored man being killed near Fredonia, and when it was, and how it happened.

Answer. It was done last year. I don't particularly know the day of the month, but I know it was done last year—that he was killed last year.

Question. Where, at his own house?

Answer. Yes, sir; in his bed.

Question. In the night-time?

Answer. Yes, sir.

Question. By whom?

Answer. I don't know; they said it was the Ku-Klux.

Question. How many men did you understand visited him?

Answer. Visited of the night, or just his friends?

Question. How many men did you understand attacked him that night?

Answer. I didn't understand no certain quantity of men; not how many or how little; only men went there and killed him.

Question. Did you understand they went there in disguise?

Answer. They said they were Ku-Klux.

Question. What did they kill him for?

Answer. For feeding of a white lady, that was teaching school, and being a republican at the same time; that is what I heard. That was the only place she could get to board.

Question. She was boarding at his house, was she?

Answer. Yes, sir.

Question. Where did he live, in the town or country?

Answer. In the country.

Question. Has it ever been known who killed him?

Answer. Not as I know of, it has not.

Question. Was anybody taken up for it?

Answer. No, sir.

Question. Was any effort made on the part of the citizens to find out who killed him?

Answer. No, sir; not as I know of.

Question. What was his name?

Answer. America Trambly.

Question. Was this a young lady that was teaching school?

Answer. No, sir; an old, settled lady.

Question. Did she live in the country?

Answer. She moved from West Point up there to teach school.

Question. What became of that school; was it broken up?

Answer. It was burned down.

Question. When was that done?

Answer. It was done during last year. I don't know exactly what time it was done.

Question. How long was it after Trambly was killed?

Answer. I don't know exactly how long, but it was afterwards.

Question. Had the colored people built this school-house?

Answer. I don't know how the school-house got up, but they claimed it.

Question. Was it ever found out who burned the school-house?

Answer. Not as I know of.

Question. Did you understand that the men were disguised who burned it?

Answer. I don't know if they ever found that any men in disguise went there, only they found the house a-fire and all the things; that is all I know about it.

Question. Has there been any attempt made on the part of the people to find out who burned the school-house?

Answer. Not as I know of. I have not heard anything about it.

Question. What, if anything, do you know of a colored man being killed at La Fayette, the county seat of Chambers County?

Answer. That was in the time of the meeting.

Question. When was that?

Answer. That was last year, before the election.

Question. What was his name?

Answer. I don't know his name; I never heard his name called; I know he was killed, that was all. They got up a meeting there.

Question. What kind of a meeting, a political meeting?

Answer. Yes, sir; speaking.

Question. Was he in the meeting?

Answer. Yes, sir.

Question. Was he killed while he was in the meeting, or going home?

Answer. He was killed while he was in the meeting.

Question. Who was addressing the meeting?

Answer. I don't know the colored man, but it was a colored man; I don't know his name.

Question. Where was the meeting held?

Answer. It was held out on—I don't know how La Fayette sits from here—but it was held out on a little pine grove, a piece from town.

Question. Not in a building?

Answer. No, sir, in a grove; they had a little stand.

Question. Was it in the day-time or night?

Answer. Day-time.

Question. Were you where he was killed?

Answer. No, sir; not right where he was killed.

Question. Were you at the meeting?

Answer. I was at the meeting when he was killed, but I never saw him after he was killed, nor before.

Question. Go on and state the particulars just as you heard them at that time.

Answer. He was killed, and at the same time after he was killed I saw several others arrested and going to jail.

Question. What were they arrested for—for killing this colored man?

Answer. No, sir, it was a white man killed the colored man; they did not arrest him; the man that killed the colored man did not get arrested, but these other parties got arrested, and were put in jail. I know that much. That was before the election came off.

Question. If I understand you, a white man killed the colored person, whose name you cannot remember, and several colored men who were attending this political meeting were arrested by the white men and taken to jail?

Answer. Yes, sir.

Question. Do you know on what account they were arrested—what was charged against them?

Answer. I don't know what they had charged. I know they were arrested right away and carried to jail.

Question. Had they misbehaved themselves?

Answer. Not as I know of.

Question. You were in the meeting?

Answer. I was not exactly at the meeting when it commenced; I was there after the man got killed, and I saw them going to jail with these other men. I know some of the men they put in jail.

Question. What was the name of the white man that killed this colored man?

Answer. Bill Adams.

Question. What was his excuse for killing this man?

Answer. I never heard.

Question. You say nothing has ever been done with him from that time to this?

Answer. Not as I know of. I have not heard anything.

Question. How long were the colored men kept in jail?

Answer. There was one kept in there until this year. If I am not mistaken he was kept in there until about June, I think. Allston-Askew, I think, was the last one came out, and if he came out at all he came out very late in this year.

Question. Did they ever have a trial?

Answer. I don't know whether they ever did or not; it is out of my power to say that.

Question. Was there a disturbance at the meeting, did you understand?

Answer. Yes, sir. I think there was a disturbance at the meeting, but how it got up I don't know, only a man was killed.

Question. What was the politics of this Bill Adams? Was he a republican or democrat?

Answer. He was a democrat, I think; in fact, I don't know the politics of either one of them.

Question. How long was this mass meeting, you speak of, before the election?

Answer. You know about the time the election came off, afterward; you can tell the day of the month better than I can.

Question. The election was on the 8th of November; how long was this before that?

Answer. This was a meeting intended for the election; I didn't notice the number of days; I didn't think I would be called up for anything of the sort, and this was all a kind of a frightening thing when that man got killed, and I wasn't paying attention to such things as that.

Question. Do you know of any other colored men being killed?

Answer. No, sir.

Question. Did the republicans have any torch-light procession that night?

Answer. No, sir; the republicans did not. After the election was off the white people got up a torch-light procession.

Question. The white people got up a torch-light procession?

Answer. Yes, sir.

Question. Did that procession abuse anybody?

Answer. Yes, sir; they abused a man; they went down to a man's house with their torches and they cursed him and shot through his house, and threw a torch over on the house, and some one slipped in and got it off; some man went in and got it off; they coaxed him to come out; he happened not to be in his house.

Question. Who was he?

Answer. Mr. Isaac Hyman.

Question. A white man or a colored man?

Answer. White man.

Question. Was he a republican?

Answer. Yes, sir.

Question. Did he take an active part in the election?

Answer. Yes, sir.

Question. What other house did this procession visit?

Answer. I don't know exactly; I think at Mr. John Ward's.

Question. What was done?

Answer. That was about what they did; they shot through the house, and cursed him; deviled around as long as they wanted to, and came out and called him a damned radical son of a bitch, a nigger-loving son of a bitch.

By Mr. BLAIR:

Question. Was this Hyman?

Answer. It was at his dwelling they were talking; they did not show him any respect in the procession at all.

By the CHAIRMAN:

Question. Did they break open his door?

Answer. Not at that time.

Question. Did they after that?

Answer. Yes, sir; somebody did after that.

Question. Tell the committee all about it.

Answer. This was done after that procession was over; they came on the Christmas eve night; he was gone to supper, and called me and told me to stay in the office until he came back, and mind the fire—it was a very cold night and dark—until he came back from supper; while he was gone to supper there came a crowd of men to the gate and hollered very loud, "Hello, God damn you." I stepped to the door and opened the hall door next to the street, and he says, "God damn you, if you cannot answer, I will make you answer," and I got to the door, and locked the door and the office door, and carried the keys in my hand, and slipped out of the back door, and they broke open the door and entered.

Question. How?

Answer. They broke the chain bolt at the top, and split off the bottom piece, where it was held by the bolt. When I locked it I kept right on to the back door, and slipped under the house. I saw after they used that kind of language that I had better not stay there, no matter whether I was white or black, or who I was—"God damn you, if you don't answer I will make you answer."

Question. What threats did they make?

Answer. They broke on in the house, and went in; by that time Mr. Hyman's dog got afool of them, and he says, "God damn you, I don't want you, nor own you. God damn you, bring your master, I want to kill him; he is the one I want to see."

Question. How large was this crowd?

Answer. Six or seven deep.

Question. Did you notice whether they had disguises on?

Answer. I never got to see one of their faces.

Question. How long did they stay there?

Answer. About three-quarters of an hour or an hour. He did not hurry back from supper, and they staid and waited for him.

Question. Did they wait until he came?

Answer. Yes, sir; they were there when he came.

Question. What did they say to him?

Answer. They didn't say nothing to him; I was squatting under the side of the house, and I heard him go and snap his fingers to his dog, that went to meet him, and I crawled to the front side of the steps, and near the step he stopped, and when he came he spoke to me, only a word, "What are you doing there?" I whispered to him, "Don't go in there; your house is full of men." He didn't pay any attention, and walked up the steps. I run before him, and grabbed him by the shoulder, and whispered to him, "It will not do to go in there; they might kill you; they broke open the house and went in." He started in, and I had to pull him off to carry him off, to keep him from going in; he stood and studied a while, and went on back.

Question. Was he deputy revenue collector of that county?

Answer. Yes, sir; the same office that he commands now.

Question. This was his office that they broke into?

Answer. Yes, sir.

Question. So they never got to see him?

Answer. No, sir.

Question. How far was his house from the office?

Answer. His office? he had the whole lot, and his office was in the front room, right at the gate.

Question. You have spoken about the Ku-Klux. Did you ever see the Ku-Klux?

Answer. I never saw them no further than for sure to know who they were. I have seen men walking, off in the dark, and people that was them, but I never saw their faces, nor saw one fixed up.

Question. Was it understood that there were a good many of them in Chambers County?

Answer. Yes, sir; I have seen a heap of black men, that I didn't know, and don't know yet, since I have been in Lee County, that said they had left Chambers on account of the Ku-Klux.

Question. What did they tell you the Ku-Klux did to them?

Answer. They said if they worked at a place this year, and came out at the end of the year and didn't get nothing, and didn't feel like working there, the Ku-Klux would come and make them work there, whether or not, and so they ran away.

Question. Did they speak of having been whipped—any of them?

Answer. Yes, sir; they said they whipped them, and they ran away to keep from being whipped.

Question. How many of them told you that they had been whipped?

Answer. There has been a good many, first and last, during last year and this year—a good many of them.

Question. Is the whipping kept up this year?

Answer. I have not heard so much talk of it this year as I did last; you see I live in the town this year; last year I lived in the country.

Question. Are you pretty well acquainted with the colored men of Chambers County?

Answer. No, sir; no great deal.

Question. Did those that you talked with tell you they were afraid to vote their sentiments?

Answer. Yes, sir; I heard men say, at the time the election was going on, that the whole county of colored people was republican people, and that the best part of them were afraid to vote their sentiments about it for fear they would get hurt.

Question. Do you know how much falling off there was on the vote of that county on account of their staying away?

Answer. I judged from three to four hundred, from what they say, but you know a good many people lives in a county.

Question. Do you know of any other acts of violence within the last two years, besides these you have stated?

Answer. No, sir.

Question. You have heard of a good many, but you do not know them?

Answer. No, sir; I do not know them.

By Mr. BUCKLEY:

Question. You spoke of Mr. Ward; what did those men do to him?

Answer. The night they came there I did not see them at his house, only I heard they did get around there; I saw them at Mr. Hyman's house.

Question. Where did Mr. Hyman live at this time?

Answer. He lived right on the line of Alabama and Georgia.

Question. In Bluffton?

Answer. Yes, sir.

Question. What became of the teacher that was teaching that school?

Answer. She went clear off. I have never heard of her since.

Question. What was the colored man's name that was killed at that time?

Answer. America Trambles.

By the CHAIRMAN:

Question. Do you know of any colored school-houses being burned?

Answer. There were two burned up in Chambers County, as I told you. I don't know who built them; the regular people owned them before. I don't know who built them, but I know they were burned down.

Question. Two colored schools?

Answer. They said there was a school-house and a church. I know very well that they didn't have any colored church; I staid up there a year.

Question. Were both of them burned last year?

Answer. Yes, sir; I think one was burned the early part of the year, and the other along after the man was killed.

Question. Are the white people up there opposed to colored schools?

Answer. Very much.

Question. Are they opposed to colored churches?

Answer. I don't know whether they are or not. I didn't hear them say anything about it.

By Mr. BLAIR:

Question. Was this white woman, who taught the school, living in the house of America Trambles?

Answer. Yes, sir.

Question. Was she there at the time he was killed?

Answer. Yes, sir; she was in the back room with his daughters, setting copies for them.

Question. Was it ever known who killed him?

Answer. No, sir; not as I heard.

Question. What were the circumstances attending it?

Answer. Sir?

Question. How did it happen?

Answer. I don't know that. They just took a prejudice to kill him, and because he was boarding her and was a republican, and they had an objection to it. He was a minister of the Gospel, and I never heard anything amiss of him. Both qualities and classes of people, democrats and radicals, spoke well of him—that he was an honest, kind-hearted man—a minister of the Gospel. I never heard anything against him until he was killed. They said the men just walked in and killed him in his bed.

Question. How many were there?

Answer. I never heard how many.

Question. Were they disguised?

Answer. They said they were.

Question. How do you know anything about it; were you there?

Answer. I wasn't at his house; I heard it.

Question. Who from?

Answer. From everybody—everybody that lived in that neighborhood, white and black.

Question. It was not known who killed him?

Answer. No, sir.

Question. Nor why he was killed?

Answer. That is what they said—that he was killed—them that I heard talking about it, and that was the most of the statement that was given, that it was for boarding that school-teacher and being a strong republican. That is all I ever heard of it.

Question. Who did you hear say that?

Answer. I heard so many I couldn't go on and tell; and I heard a heap of white people say he was one of the leading negroes of the republican party.

Question. You heard them say he was a leader of the republican party?

Answer. Yes, sir.

Question. Did you hear them say he was killed because he was?

Answer. No, sir; but I heard his color say he was killed for that; the principal part of the county, the colored people, all laid it to that; that he was killed because he was a republican and boarding that woman.

Question. That is, they thought so?

Answer. I reckon so. That is what they put it to. I am stating what I heard.

Question. If they did not know who killed him, how could they tell what he was killed for?

Answer. That is what they said he was killed for. I know he was killed, and the old woman was run off through the woods.

By the CHAIRMAN:

Question. The school mistress?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. She got frightened and ran off that same night?

Answer. Yes, sir, and the children; and one of his sons got shot.

Question. The same night?

Answer. The same night.

By the CHAIRMAN:

Question. One of this colored preacher's sons got shot?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Do you know where she went to after that?

Answer. I heard she went to La Fayette and reported it, and got her situation and went back to West Point; but she didn't do any more business after that.

Question. She came from Georgia up to Fredonia?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Was it said that she was sleeping with this man?

Answer. No, sir; this man was in the bed with his wife, I am told. Him and his wife in one room, and his daughters and the school-teacher was in the other room.

Question. What was the name of the school mistress?

Answer. I don't know, sir.

By Mr. BUCKLEY :

Question. Was she teaching a public school ?

Answer. Yes, sir.

Question. Employed by the State ?

Answer. Yes, sir ; I think that was what she was teaching ; she could not get board anywhere else but at his house.

Question. The white people wouldn't board her ?

Answer. They wouldn't board her.

MONTGOMERY, ALABAMA, *October 18, 1871.*

JOHN TAYLOE COLEMAN sworn and examined.

By the CHAIRMAN :

Question. Please state your residence and occupation.

Answer. My residence is Demopolis, Marengo County, Alabama ; I am a mail-agent ; I suppose I did not lose my citizenship by being on the North and South road here.

Question. You mean you are a mail-route agent ?

Answer. Yes, sir.

Question. How long have you held that position ?

Answer. I think I received my commission in January last.

Question. What was your first road ?

Answer. I was first assigned to duty on the road from Selma, Alabama, to Meridian, Mississippi.

Question. How long were you upon that road ?

Answer. I think I was there, sir, about two weeks, as near as I can remember.

Question. What was your next route ?

Answer. My present route from here to Colera, on the South and North Alabama Railroad.

Question. While you were running on the route from Selma to Meridian ; were you ever disturbed in the performance of your duty ?

Answer. Yes, sir.

Question. State the particulars of that disturbance.

Answer. In February last, between the 16th and the last of the month, the exact date can be found by reference to the Post-Office Department at Washington, at Kewaunee Station, or Kewaunee Wood-pile, in Mississippi ; I was making up my mail, that is, closing up my mails, for Meridian, Mississippi ; and if you all know the position of mail-cars, you know how they are fixed ; I stood with my back to the entrance, to the door that leads into the mail-car, all the time. I felt a pressure on my shoulders, as if some one had come in and laid his hand on my shoulder. I turned around and there stood a man disguised from head to foot in a gown that was drawn together at the top, just like a common tobacco-bag, and it just fell over him and nearly reached to his feet, and was bound around with red—around the eyes and mouth in some way. The plan of the disguise was white. If there was any other red about it I don't remember it. I should have stated that he stood in this position with a pistol in each hand, with his arms extended toward me, and as I turned around I came right upon these two pistols.

Question. What did he say to you ?

Answer. Of course I was very much frightened, and I halloed to him not to shoot. He stepped back as I turned around, and I shut the door, and he called to me, " Who is in there ? " I says, " The express agent is in there. " The express agent and myself are the only two persons in that part of the train at all, and it is a night train. Mr. Flemming, the express agent, had come in there and asked me to let him come and lie down by the stove where he would be warm. I answered, " The express agent is in there. " He says, " Open the door. " I opened the door. He says, " Come forward, Mr. Express Agent. " Mr. Flemming got up, then, and walked in, and this man remarked to me, " Do you know where this is ? " I says, " Yes, sir. " " What place is it ? " he asked. I says, " Kewaunee Wood-pile, " or " Kewaunee Station. " He says, " You are perhaps aware that there was a mail agent killed here, shot right here at this place. " I told him I was aware of that fact. He says, " You, in your actions, will govern yourself in such a way that you will attend to your own business and nobody else's, or else you will look out for the same fate. " He then commenced some sort of mystical flourishes with his pistols and shoved them up against me. I think one of them was capped and the other was not, because he snapped it several times in my face, and in the express agent's face, and against my person also.

Question. He shoved them against you and the express agent, both ?

Answer. Yes, sir ; Mr. Flemming.

Question. What else occurred ?

Answer. He then went out, and in a few minutes returned again and went through the same performance, flourishing his pistols, and shoving them up against my person, and snapping one of them several times. The other one I thought was capped.

Question. Did he repeat his threats?

Answer. Not at that time. He remarked, "Just keep quiet; I don't wish any noise made. I'll not harm you now."

Question. Was this after night?

Answer. Yes, sir.

Question. How late in the night?

Answer. It was about half-past 10 o'clock.

Question. Was the night light or dark?

Answer. It was rather stormy night, to the best of my recollection. It was in February; the exact date could be ascertained at the Selma office.

Question. Did you see any of his confederates?

Answer. I saw no other disguised men. The train was full of men that night. It was a very few nights before that Meridian riot, and they were going down that night. They were expecting, so they said, there would be trouble in Meridian, and said that they were going down there to help out.

Question. Did you hear that?

Answer. Yes, sir; I heard that on the train.

Question. You heard men aboard the train say that?

Answer. Yes, sir.

Question. Were they strangers to you?

Answer. Yes, sir.

Question. Undisguised or disguised?

Answer. Undisguised; they were strangers. I didn't hear the disguised man say that.

Question. Do you know whether he got on the train at Kewaunee Station or was aboard before?

Answer. I do not know.

Question. Where did he disappear?

Answer. He went back as if he was going into the passenger-car through the baggage-car.

Question. Did you go through the cars afterwards?

Answer. No, sir; I never left my mail-car.

Question. Do you know, from information, that there were disguised men on that train that night?

Answer. No, sir; I only saw this one. He said, "It is not worth while to do anything. I could have a thousand men in fifteen minutes; they are all out here in the woods." That is all he said about that.

Question. You were running westward?

Answer. Yes, sir.

Question. How far from Meridian?

Answer. It is twenty-seven miles from York Station to Meridian, and I was between five and seven miles west of York. In about four days or a week perhaps after that—I didn't leave my route then—returning from Meridian, at York Station I was informed by the watchman, and telegraph operator, and train conductor, and baggage-master, that there had been a party of disguised men—eighteen—watching my return from Meridian, coming this way. That happened about four days or a week after that. We were behind time that morning going east, and near day—they said it was very near day—they got restless and left, and left this message for me: "Tell Coleman, the new route agent on this route, to stay on the east side of the Bigbee River"—that is on this side—"and if he does not, he can decide to leave his shoe-string here with us." That is exactly the language they used.

By Mr. BUCKLEY:

Question. Whom did you get that from?

Answer. From the telegraph operator, the watchman, the conductor, and the baggage-master.

By the CHAIRMAN:

Question. Who did they say left that message with them for you?

Answer. These eighteen disguised men. Mr. W. H. English was the conductor; he is now in Selma. We were behind time, and it was very near day, and they had to leave. They said they had seen a great many Ku-Klux, but these were the most desperate looking set they had seen. I went to Mr. English; we were friends, and had known each other a considerable time, and I said, "Do you think there is any danger?" He says, "I have not thought there was any danger heretofore; I have no policy in what I say, but I advise you not to go back there; they say no man under Mr. Hays's patronage shall run over that road."

Question. He is the member of Congress from that district?

Answer. Yes, sir; he secured my appointment. I did not see them. He said they had a cowhide for Mr. Hardy and Mr. Furguson, two young men on the road, and that they were not to come back there on the road, and if they did they would whale them and hang them. That is what they meant by the shoe-string business. They warned me not to come back.

Question. What attention did you give to this warning?

Answer. I left the route and was transferred to this place. I left the route at the suggestion and judgment of men who I believed would tell me the truth about anything.

Question. Did you leave because of the apprehension that your life was in danger if you continued to run over that road as route-agent?

Answer. Yes, sir.

Question. Do you believe they intended to kill you?

Answer. I do; because they just before that killed a route-agent.

Question. Who was that?

Answer. Frank Diggs.

Question. When was he killed?

Answer. He was killed in October or November last.

Question. Was he the mail-route agent on that road?

Answer. Yes, sir; I took his place.

Question. Was his appointment procured by Mr. Hays?

Answer. I don't know; I think not; I think it was secured by Mr. Buck.

Question. At what point on the road was Mr. Diggs killed?

Answer. Mr. Diggs was killed at the exact place where these disguised men came to my car, at Kewaunee Wood-pile, and said if I did not mind my business my fate would be Diggs's.

By Mr. BUCKLEY:

Question. Do you recollect the circumstances of his death?

Answer. No, sir; not of my own knowledge.

By the CHAIRMAN:

Question. Did you understand that he was killed?

Answer. Yes, sir; he was shot; he was shot in his car; the baggage-master witnessed the shot. He said the man walked up to the car with a double-barreled gun and shot him through the window. He shot him with eighteen buck-shots in the side and walked off and said "That is all right."

Question. Was that in the day-time or night-time?

Answer. In the night; the baggage-master told me that; he said he was in five steps of it.

By Mr. BUCKLEY:

Question. Was this man disguised?

Answer. I think he was not. I think he said he was not disguised. It was a man that did live over there. I think they told me he was living at Livingston.

By Mr. BLAIR:

Question. Was it known who the man was?

Answer. No, sir; I don't know the man.

Question. You say he was known?

Answer. Yes, sir; he was known to the parties that lived over there. They told me he lived in Livingston.

Question. Who; Diggs?

Answer. No, sir; the man that killed Diggs.

By Mr. BUCKLEY:

Question. The baggage-master told you?

Answer. Yes, sir.

Question. That the man that killed Diggs lived in Livingston?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Did the baggage-master know who he was?

Answer. Yes, sir; he did. He told me his name, but I don't remember it.

By the CHAIRMAN:

Question. Was any one ever taken up for the killing of Diggs?

Answer. Not that I know of.

Question. Was any effort made, to your knowledge, to find out the murderer?

Answer. Not that I know of. I don't know anything more about it than what I told you.

Question. You did not know this man who assaulted and questioned you?

Answer. I could not; he was disguised.

Question. You did not know his voice?

Answer. No, sir.

Question. You saw no part of his face?

Answer. No, sir. I have not been over there since before the war and during the war.

Question. State if you are a crippled man, and, if so, describe how?

Answer. I am a crippled man, with a left leg off, three inches and a half below the knee.

By Mr. BUCKLEY:

Question. Were you born in the South?

Answer. Yes, sir; raised in the State of Virginia, and came to Alabama November 21, 1859.

Question. Have you been living at Demopolis since then?

Answer. Yes, sir; Demopolis and Uniontown; they are near together.

Question. Were you known in that section of country where you were assaulted?

Answer. No, sir; I cannot say that I was; that was in Mississippi; but I had been a colored school teacher in Demopolis for two years; and this conductor told me he guessed my active part in securing Mr. Hays's election, and teaching colored children, was one of the reasons why I could not run there. I don't know whether they told him that, but he told me so.

By Mr. BLAIR:

Question. Who was that, the baggage-master?

Answer. No, sir; the conductor.

Question. What was his name?

Answer. W. H. English.

Question. What was the baggage-master's name?

Answer. Sim Richardson.

By the CHAIRMAN:

Question. He told you the reason you could not run there was because you had been the teacher of a colored school and was a republican?

Answer. Yes, sir. He did not say because I was a republican, but he said I could not run there under Mr. Hays's patronage, which was equivalent to the same thing.

Question. What was the offense of Mr. Diggs, and the reason he was killed?

Answer. I never heard any given at all, only this in general remark—I didn't hear it from them, but on the train—that they did not intend to allow no negro route agents, or negro firemen, or negro brakemen, which I know to be the fact; they did not allow them to run.

Question. Was Diggs a colored man?

Answer. Yes, sir. I have heard them say that that was one of their laws—that no negro should be a fireman or brakeman. I noticed that no negro fireman or brakeman did run over there while I was there.

Question. Is this the only time you have ever seen the Ku-Klux?

Answer. Yes, sir; that is the only time. I received a written message from them the other day. If I had a messenger, I could send up to my wife now, Mr. Buckley, and have it brought down.

Question. Will you tell the particulars of it?

Answer. It reads in this way: "Damn your soul, our Grand Cyclops has just arrived, and we learn from him that you recommend a negro route agent for our new road, which is the North and South Alabama Railroad. You may make up your mind, if he goes on, to stretch hemp." [See page 1054.]

Question. Where did you get that letter?

Answer. I got that from the Calera post-office. I opened the bag in the presence of the postmaster, who was in the crowd at the same time. I saw a letter addressed to me, and said, "Where did this come from? Do you know?" He said, "It came through the regular channels of the office down the road between Selma and Calera. The postmaster was T. H. Thompson."

Question. How was the letter signed?

Answer. By a number of men, I don't remember who—the Grand Cyclops and a number of fictitious names. I can have it here in a few minutes.

By Mr. BUCKLEY:

Question. Do you recollect the date of it?

Answer. I do not think it was dated.

By the CHAIRMAN:

Question. Were there any signs or insignia upon it?

Answer. Yes, sir; it was elaborately penciled off at the head of it with a coffin, a

stump, an owl sitting on it, and a dagger in it, and cross-bones, and a sword and skull, &c. It was on the day before the last State election, the general election; I don't remember the date.

By Mr. BUCKLEY:

Question. It was the 8th of November last.

Answer. I went to the precinct of Linden, Marengo County, to distribute tickets and work for the election of my candidates, or my father's candidates, the republican candidates. On that day I was cursed and abused promiscuously, particularly by a man named Robinson, living in the neighborhood. They stood around a circle all day long nearly, with knives out, apparently whittling.

Question. What did he say to you?

Answer. General political argument and very abusive; he cursed me a good many times and used abusive language. That evening when I left and got about a mile from town, in the Chickasabogue swamp, this man Robinson and a man named Saunders followed me to that place and inquired of a colored man in the buggy with me, where did he live. He knew very well where he lived, for he is an old settler. Charles Hall was the name of the colored man. He remarked, "Charles, I am coming up to where you live." He told him he lived on Mr. Coleman's plantation. He says, "I am coming up there before long some of these nights, and I want to bring a rope with me; I want to purify the country." This was the man that had been abusing me all day long. While teaching school in Demopolis I received Ku-Klux notices that I might look out; that I would be hung at some midnight hour.

Question. When was it that you were teaching and received these notices?

Answer. I taught there in 1868 and 1869.

Question. What did I understand was the purport of these threats, if you continued to teach a colored school?

Answer. No, sir; not if I continued, but if I did not mind what I was about. I didn't know what they meant, but they didn't like my style, and if I didn't mind what I was about I would be hung up at the midnight hour to the nearest limb.

Question. Do you know of any cause for this except that you were teaching a colored school?

Answer. I do not know of any cause at all, sir. Now, in relation to this Kewannee Ku-Klux business over there, this conductor told me they said they had every man's name down that had taken any prominent part in the republican party. Mr. W. H. English told me that. Another express agent, whose name I cannot remember, but it was not Flemming, it was another messenger that ran at the same time, said that they had every man's name down, and he says, "Bill Jones in particular; we intend to kill him if it takes ten years to do it."

Question. Who is Bill Jones?

Answer. W. B. Jones, senator from the twenty-sixth Alabama district; and that if they ever caught him they intended to kill him, if it took ten years; him and Pierce Burton.

Question. Who was Pierce Burton?

Answer. He was editor of the Southern Republican, printed in Demopolis, Alabama.

Question. Is it still published there?

Answer. No, sir; he has discontinued the publication of it and left the State. He was severely beaten in Eutaw and received a Ku-Klux warning to leave in twenty-four hours, and he left about three days afterward.

By Mr. BUCKLEY:

Question. Was he the man nominated as lieutenant governor by the republican party?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were these officers of the train who gave you this information relative to the Ku-Klux and their intentions republicans or democrats?

Answer. Democrats, sir.

Question. What was the offense for which they were going to kill Bill Jones?

Answer. For his politics.

Question. Was there any other cause against either him or Burton than that they were leading republicans?

Answer. No, sir; I never heard of any other. Dr. Jones was born and raised in Marengo County. They said he was a damned negro lover and they intended to kill him if it took ten years to do it.

Question. Have you any information as to any violence committed by men banded together in disguise in the western part of Alabama?

Answer. No, sir; I have no other information that I know of.

By Mr. BUCKLEY:

Question. At the time when this first assault was made upon you did you see any other disguised men about the train?

Answer. No, sir; I did not.

Question. From what was said to you do you apprehend that there were other disguised men about there?

Answer. From what was remarked to others, I would infer that there were about forty on that night who could have been disguised in a very short time. He remarked to me, "You could do no good if I wanted to do you violence. I could raise a thousand men in fifteen or twenty minutes; they are all out here, all about here, all in these woods."

Question. While in that part of the State, did you hear of other persons being whipped or disturbed by disguised men?

Answer. Yes, sir; I heard it from others—from the baggage-master and the train hands. They said it was a common thing to take a negro fireman off and whip him, and threaten the engineer that if he brought him back again over there he might look out for similar treatment.

Question. You heard of similar instances of treatment on that road?

Answer. Yes, sir; not of my own knowledge, but I heard so.

Question. Have you ever been molested in the discharge of your duties on this new road?

Answer. No, sir; I have been doing very well except this late warning.

By the CHAIRMAN:

Question. What did you understand was the reason that these Ku-Klux were unwilling that colored men should be employed upon the train or upon the road?

Answer. Social equality and republicanism. That is what they said.

By Mr. BLAIR:

Question. Where does this express agent Flemming live?

Answer. At Jacksonville.

Question. In what part of the State is that?

Answer. Cherokee County, I think, on the Selma, Rome and Dalton Railroad. I think his name is J. H. Flemming. He was in the car with me at the time. He has been relieved since that as express agent, but that is his home. I saw him not very long ago.

Question. Where does the conductor on that train live?

Answer. Mr. William H. English lives in Selma. He is conductor on the Selma and Meridian railroad then, Alabama Central railroad now. He very distinctly remarked to me, "They have determined that no man under Hays's patronage shall run over here," and he advised me not to go back there at all; that he thought it was dangerous. I received a message from him and the watchman and the telegraph messenger.

Question. Did he tell you so himself?

Answer. Yes, sir; he told me so himself. I would like to have him here now.

Question. What was the name of the baggage-master?

Answer. Mr. Sim Richardson. He is English's brother-in-law. I don't think his name is Sim, but he goes by that name.

Question. Where does he live?

Answer. He lives in Selma, or he did at the last advices. I think he is still baggage-master on that road.

Question. What is the watchman's name?

Answer. I do not know what his name is.

Question. Is he on the road now?

Answer. I think not. I think he killed his wife and his father-in-law in a difficulty, and has run off. I have heard his name, but I do not remember it now. Captain Dimick can tell it. The telegraph operator was named Charles something, I cannot think of the name; but the telegraph operator is still at the place, at York Station. You can find out his name in a very few minutes by sending down to the telegraph office here. It is Charley somebody; I have heard it fifty times.

Question. You say all these men are democrats?

Answer. They expressed themselves that way. I don't know whether the disguised man was a democrat or not. I don't know what he was. I don't know anything now of who these disguised men were. These men, whose names I give you, on the train, the baggage-master and conductor, and so on, were democrats.

Question. Which baggage-master was it saw Diggs killed?

Answer. The baggage-master belonging to Mr. Stanton's road—the Alabama and Chattanooga Railroad.

Question. What is his name?

Answer. I was over there only about two or three weeks ago, as I stated, but I don't remember his name. Mr. English or Mr. Charley Marsh, now in this city, would remember his name. Charley Marsh was the conductor on that road, and saw more of this man than I did.

By Mr. BUCKLEY:

Question. Is he in the city now?

Answer. He was Sunday morning. He was conductor on the road, and I think he received some letters that if he didn't run the road another way he could not stay there. There was a conductor run off from there, a northern man. Mr. Charley Marsh could give the baggage-master's name.

By Mr. BLAIR:

Question. Where does Robinson live?

Answer. In Marengo County, near Linden, the county seat.

Question. Is he there now?

Answer. I reckon so.

Question. Where does Saunders live?

Answer. In that neighborhood. I don't know either of them personally; the names were given to me.

Question. Is Charles Hall, the negro that rode with you, living there?

Answer. He lived on a plantation—my plantation; part of it is mine. It is an estate place, and I have an interest in it. He was living on it at that time, and he was on the same place with me. This man said I came there, and was a damned radical and a damned scoundrel, and was paid for what I was doing, and was working against my country. That was about the pith of his conversation, that and abuse.

By Mr. BUCKLEY:

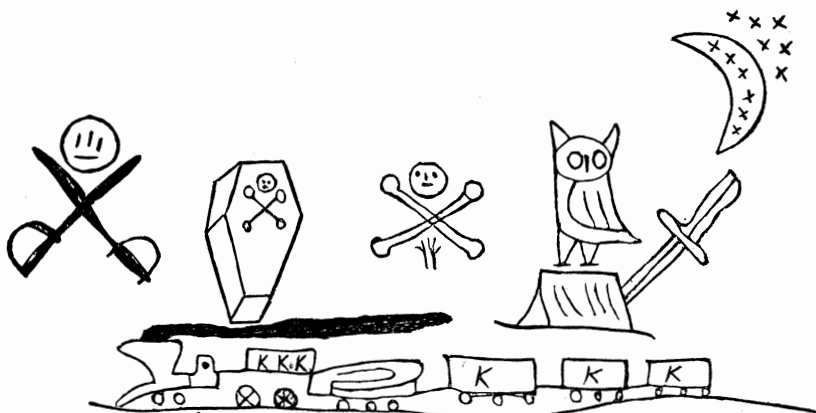
Question. Did you lose your leg in the confederate army?

Answer. No, sir; I lost my leg when I was, I think, about eighteen years old, in a thrashing-machine—in the horse-power of a thrashing-machine—in the State of Virginia. General Blair, the name of that baggage-master I remember now; it is Goodloe.

By Mr. BLAIR:

Question. Where does he live?

Answer. I think in Meridian.



"Dam Your Soul. The Horrible *Sepulchre* and Bloody Moon has at last arrived. Some live to-day to-morrow "*Die.*" We the undersigned understand through our Grand "*Cyclops*" that you have recommended a big Black Nigger for Male agent on our nu rode; wel, sir, Jest you understand in time if he gets on the rode you can make up your mind to pull roape. If you have any thing to say in regard to the Matter, meet the Grand Cyclops and Conclave at Den No. 4 at 12 o'clock midnight, Oct. 1st, 1871.

"When you are in Calera we warn you to hold your tounge and not speak so much with your mouth or otherwise you will be taken on supprise and led out by the Klan and learnt to stretch hemp. Beware. Beware. Beware. Beware.

(Signed)

"PHILLIP ISENBAUM,
"Grand Cyclops.
"JOHN BANKSTOWN.
"ESAU DAVES.
"MARCUS THOMAS.
"BLOODY BONES.

"You know who. And all others of the Klan."

MONTGOMERY, ALABAMA, *October 18, 1871.*

WILLIAM R. NOBLE sworn and examined.

By Mr. BUCKLEY:

Question. Will you please state to the committee your residence and occupation?*Answer.* I live in Montgomery. I am chief clerk in the auditor's office.*Question.* You are familiar, are you, with the records of that office?*Answer.* Yes, sir.*Question.* How long have you been in your present position?*Answer.* Since July, 1868.*Question.* That is, since this State was readmitted?*Answer.* Yes, sir.*Question.* Mr. Noble, there have been some charges of wasteful expenditures of public moneys in this State, and the committee desire to get from you some statements as to the receipts and expenditures of public moneys at the times of the close of the war, of the readmission of the State, and at the present time. If you have any knowledge pertaining to the State indebtedness for the years 1865, 1866, 1867, up to July, 1868, we would be glad to have you give such information to the committee.*Answer.* The bonded debt on the 30th of September of this year was \$5,442,300.*Question.* At what period was that?*Answer.* That was for the fiscal year ending the 30th of September, 1871.*Question.* Is the auditor of this State required by law to make an annual report?*Answer.* Yes, sir.

By the CHAIRMAN:

Question. Where is the auditor of the State at present?*Answer.* He left for New York City on Monday last. As to the bonded debt for 1865, there was due in London \$688,000; in New York \$168,000; due in 1883 in New York \$1,941,000.

By Mr. BUCKLEY:

Question. Can you give the aggregate State debt without giving the items?*Answer.* These three amounts will make up the aggregate \$2,797,000. One million nine hundred and forty-one thousand dollars were issued in 1866. They were bonds that fell due in 1863 and were renewed in 1866, and they now fall due in 1883. They only run seventeen years from the date of issue. I do not think I can give the information exactly in regard to these. The bonds that fell due after the close of the war were renewed, but I cannot tell from the record which I have here whether they were old or new bonds.*Question.* Can you give us the total amount of the bonded debt of the State at this time?*Answer.* I cannot give it for 1865 without going to the office to see the record of the original register of bonds.*Question.* Can you give it for July, 1868, the date when the constitution went into effect?*Answer.* Four million eight hundred and thirty-eight thousand four hundred dollars. That is, when the new constitution was adopted. On the 30th of September, 1870, the bonded debt amounted to \$5,382,800. The bonded debt at present—30th of September, 1871—is \$5,442,300. That is the actual bonded debt of the State.*Question.* Do you know what issue of bonds has been made since the present State government has gone into operation?*Answer.* Since 1868?*Question.* Yes, sir.*Answer.* Five hundred thousand dollars of State bonds. Of that amount there has been \$499,000 sold, and \$1,000 remaining on hand.*Question.* Do you know the other indebtedness of the State in July, 1868?*Answer.* On the 24th of July, 1868, there was due for temporary loans \$109,350, and accrued interest on trust funds for the years 1866 and 1867, \$245,411 46. That was the amount that had to be provided for in money.*Question.* Was there any interest on the public debt of the State falling due at that time or soon after?*Answer.* There was the interest on the bonded debt falling due in November.*Question.* November, 1868?*Answer.* November, 1868, \$64,570.*Question.* Any interest falling due in January of the following year?*Answer.* The interest on the bonded debt due January 1, 1869, was \$68,467. There was at the same time interest due on trust funds for school purposes that fell due on the 1st of December, 1868, at the beginning of the scholastic year of this State.*Question.* Do you recollect the amount of that fund?*Answer.* I have not the amount down here; it was \$220,000, or over.

Question. Was there any other indebtedness that the new government had to provide for?

Answer. None but small amounts, amounting, perhaps, to \$10,000, that were due before the 24th July, 1868.

Question. Will you state the preparation made for the payment of this indebtedness of which you have spoken? Was a temporary loan effected for the purpose?

Answer. There were temporary loans negotiated, by Governor Smith, of small amounts; I have not the information with me to give the exact amount.

Question. Will you state the total amount of receipts and expenditures for the years 1869 and 1870?

Answer. The receipts for the fiscal year ending 30th September, 1869, were \$1,306,311 38. Of that amount, there were \$498,748 04 received from the sale of Alabama bonds, and \$120,000 from temporary loans. The disbursements were \$1,394,960 30.

Question. Is that for 1869?

Answer. For the year 1869. For the year ending 30th September, 1870, the receipts were \$1,283,586 52. The disbursements were \$1,366,398 85.

Question. What was the balance at the close of the fiscal year?

Answer. The balance in the treasury on the 30th September, 1870, was \$44,325 85.

Question. That was about two months, or one month, before Governor Lindsay was inaugurated.

Answer. It was nearly two months before the inauguration of the present governor.

Question. You spoke of some trust funds. Explain to the committee, Mr. Noble, what those trust funds are, and how they have been used.

Answer. Under an act of Congress of March 2, 1827, I think, the State received educational funds, known as the sixteenth section funds. There was due the sixteenth section fund on the 1st of December, 1860, \$1,499,343 83; there was due the valueless sixteenth section fund, \$97,091 21; there was due what was called the university fund, \$300,000, making a total of \$1,896,435 04. The surplus revenue fund, under the act of Congress of 23d June, 1836, was \$669,086 80. The interest on this last amount is a part of the educational fund of this State. On the 30th September, 1871, the total amount due by the State to the educational fund was \$2,795,995 05. That amount includes the surplus revenue fund not included in the other total. The increase of the different education funds came from the sixteenth section fund which was turned into the treasury and credited to the educational fund, and then the State paid the schools 8 per cent. on the amount.

Question. That 8 per cent. is to be raised now by taxation on this amount you have just named?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do I understand you that the State had sold the sixteenth section of every congressional township, commonly known as the school section, had collected the money, and the money had been paid into the State treasury, and the State had used that money and paid interest at the rate of 8 per cent. on it to the inhabitants of the different townships upon the fund thus collected and used?

Answer. Yes, sir.

Question. And the same with the United States surplus revenue fund granted in 1836?

Answer. The State assumed that as a debt also, and paid interest on the amount to the schools, and money now paid for sixteenth sections, or notes that are being paid now with interest, goes into the general fund of the treasury, and the school fund is credited with eight per cent. from year to year on amount paid in each year.

Question. So that the entire purchase-money upon the sale of these school sections has not been collected yet?

Answer. No, sir; small amounts are still being collected?

By Mr. BUCKLEY:

Question. Do you know what the rate of taxation upon property was here during 1868, 1869, and 1870?

Answer. The rate of taxation on the assessment for 1868 was three-tenths of one per cent. That was under the revenue law of 1866-'67. The legislature, at its first session of 1868, legalized the assessment of 1868, with the exception of the poll-tax, which was cut down to a dollar and a half in compliance with the requirements of the constitution. The other assessment remained the same.

Question. Do you know what the assessment was in 1869-'70?

Answer. On the 31st day of December, 1868, the rate of taxation was raised to three-fourths of one per cent., and that was the estimate made on all the taxable property in the State, an *ad valorem* tax for 1869, and the same rate of taxation remained for the year 1870. The revenue from the assessment of 1870 has been collected nearly; some balances are out yet.

Question. Did the income from taxation during the years 1865, 1866, and 1867 meet the public expenditures of the State?

Answer. No, sir; they did not.

Question. Can you tell us how far short in these years the income fell of meeting the expenditures?

Answer. The auditor's report for the year ending 30th September, 1870, gives the per cent. of receipts from taxes and licenses for the years 1860, 1865, 1866, 1867, 1868, 1869, and 1870. The receipts from taxation and licenses for 1868 were \$1,788,932 43; the disbursements in payment of claims against the State, not including repayments of temporary loans, were \$2,233,781 97. For 1865 the receipts from the same sources were \$1,626,782 93, and the disbursements were \$2,282,355 97. In 1866 the receipts—and I will remark that all of these receipts are from taxation and licenses, and the disbursements are for the payment of legitimate claims against the State—in 1866 the receipts were \$62,967 80, the disbursements \$606,494 39. For 1867 the receipts were \$691,048 86; the disbursements were \$819,434 85. For 1868 the receipts were \$724,760 56; the disbursements \$1,066,800 24. For 1869 the receipts were \$686,451 02; the disbursements were \$1,286,231. For 1870 the receipts were \$1,242,261 25; the disbursements were \$1,336,398 85.

Question. In that year the receipts met the expenditures, did they?

Answer. Not quite.

Question. How was the rate of taxation that year? Three-fourths of one per cent.?

Answer. Three fourths of one per cent.

Question. How were the revenue laws altered last winter?

Answer. The tax on real and personal property was reduced to one-half of one per cent.

Question. How have the taxes been collected for the last year? Is there a large delinquent tax?

Answer. There are very close collections this last year of the assessment of 1870, closer than for years past, I think.

Question. This fiscal year closes the 30th of last month?

Answer. The 30th of September.

Question. State the condition of the treasury at the present time.

Answer. On the 30th of September, 1871, there were outstanding auditor's warrants to the amount of \$217,622 32. There is also outstanding \$300,000 of State certificates, issued in 1866 or 1867.

Question. Do you mean the Patton money?

Answer. It is what is called State money; they are evidences of debt; they are State certificates issued under an act of the legislature of 1866-'67.

Question. How does this compare with the indebtedness of the State one year ago?

Answer. The balance in the treasury on the 30th of September, 1870, as shown by the records of the auditor's office, was \$44,325 85. The actual balance in the treasury amounted to something over \$53,000, from warrants not presented at the treasury for payment, leaving the treasurer's balance larger than the auditor's. The outstanding warrants that had not been presented on the 30th September, 1870, were \$9,260 01.

Question. The auditor is required to make a report by an act of the legislature is he?

Answer. Under the provisions of the code he is.

Question. And to keep a list of the expenditures of the State?

Answer. Yes, sir; also to keep an account of all the receipts into the State treasury.

Question. He knows, therefore, how every dollar of money is paid out?

Answer. Yes, sir; the money is paid out on the warrant of the auditor upon the treasurer. When claims are presented to the auditor, and found correct, a warrant is drawn by the auditor upon the treasurer for the amount.

By Mr. BLAIR:

Question. Was there an appropriation of two or three millions of bonds to what is known as the Staunton road in this State?

Answer. Yes, sir; there was an act of the legislature authorizing and directing the governor to issue two millions of State bonds for railroad purposes to the Alabama and Chattanooga Railroad.

Question. When was the act passed?

Answer. I think at the session of 1869-'70.

Question. Is that amount of bonds included in your estimate?

Answer. No, sir.

Question. Why not?

Answer. It is considered as a contingent liability only of the State, and not included in the actual bonded debt of the State. It is included in the report of the auditor for this fiscal year, among the contingent liabilities of the State, with the indorsed bonds of that road and others.

Question. Nevertheless, these bonds are State bonds, and have been delivered out under that act?

Answer. I have never seen a copy of the bonds. It is my impression that they are

State bonds, signed by the governor and treasurer of the State, I think, and by each of the trustees of the railroad.

Question. In what sense can they be called contingent liabilities? Did not the act make them a donation to that road on certain terms?

Answer. I have not studied the act very carefully, but my impression is, that they are to be paid by the railroad company, and only become a State debt when the railroad company fails to pay, and they are paid by the government.

Question. Has not the railroad company actually failed to pay?

Answer. There is no record in the office of the auditor that the company has failed to pay the interest on their bonds at all.

Question. How many additional bonds were indorsed by the State for that and other railroads?

Answer. I have not the memorandum of that with me. The laws requiring the indorsement of railroad bonds do not require the auditor to keep a record of them; nor does he know, except from information received from the governor, what bonds are indorsed. I have down in the hands of the State printer a statement showing the amount of bonds indorsed for each railroad, which I can get if the committee desire it.

Question. There is, as I understand it, a general law authorizing and requiring the State to indorse bonds of any railroads commenced and put in operation, upon which there is a certain amount of work done?

Answer. Yes, sir.

Question. What is the amount which they indorse—how much per mile?

Answer. Sixteen thousand dollars per mile.

Question. What railroads have received the indorsement of the State?

Answer. I cannot recollect the names of them now. There are some eight or ten.

Question. You do not remember the amount which has been indorsed for these roads?

Answer. No, sir. I can get the exact amount in a very few minutes, if your committee desire it.

Question. Have any of these railroads made default upon their bonds?

Answer. None, so far as the auditor is informed. The Alabama and Chattanooga road failed to pay the interest, it is said, and the amount necessary to pay the interest has been raised by the governor; so it is reported, but that I know nothing of except from hearsay.

Question. In that case of contingent liability, the liability has already accrued?

Answer. Well, I do not know how that would be considered. The governor has not drawn a cent from the State treasury to pay interest on these bonds.

Question. In what way has he provided for them?

Answer. I have heard it said that he had made a temporary loan in New York, or raised the money there in some manner.

Question. Was he authorized by law to do this?

Answer. I am not prepared to say. I have never studied the law in regard to that.

By the CHAIRMAN:

Question. Do you recollect how the State is secured against any loss by reason of these bonds, and what kind of a lien is provided upon the roads?

Answer. The State, I think, holds the first mortgage on the Alabama and Chattanooga road on the rolling stock and road-bed, and certain lands belonging to the road.

Question. How is it as to these other roads to which the State has issued bonds; is there a similar lien?

Answer. I think the State has a similar lien on all of them—a first mortgage on all the property of the road.

Question. Is this aid given to unfinished railroads, to enable them to complete their roads and to equip them?

Answer. I think it is. I would like to say there was a loan made to the Montgomery and Eufaula Railroad Company of \$300,000, which was recorded in the office of the auditor, and signed by the governor, auditor, and treasurer, as the law requires.

By Mr. BUCKLEY:

Question. The president of that road has promptly paid the interest, has he not?

Answer. I think he has. I have heard nothing to the contrary.

By the CHAIRMAN:

Question. Is the security supposed to be ample to save the State from any eventual loss by reason of her bonds?

Answer. I think it is generally considered so. There is a great difference of opinion however, in regard to the Alabama and Chattanooga Road. I have heard quite a number of persons, who were familiar with the road, say that the State would not, in their opinion, lose anything by the indorsement.

By Mr. BUCKLEY:

Question. That road is built entirely, I believe?

Answer. It is completed through.

By Mr. BLAIR:

Question. Has the State any lien upon the machine-shops, depots, and other buildings erected at Chattanooga?

Answer. I understand the lien or first mortgage to cover all the property of the road in the States of Tennessee, Georgia, Alabama, and Mississippi.

MONTGOMERY, ALABAMA, October 18, 1871.

CULLEN A. BATTLE sworn and examined.

The CHAIRMAN. As General Battle was subpoenaed by the minority of the committee, his examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Please state where you reside.

Answer. I reside at Tuskegee, Macon County, Alabama.

Question. How long have you resided there, General?

Answer. About twenty years, sir.

Question. I believe you were in the confederate service?

Answer. Yes, sir.

Question. Did you serve as a general officer?

Answer. Yes, sir. I entered the confederacy as a private and came out as a major general, and held all positions intermediate above the grade of major. I held no position lower than major; I was elected to that from the ranks.

Question. Have you resided constantly in Macon since the war closed?

Answer. Yes, sir.

Question. What is your profession now?

Answer. The profession of the law, sir; though for the most part since the war I have been engaged in planting, up to the last year. I am not planting now.

Question. We have had some testimony before the committee as to some disturbances in your county, given by a negro man who calls himself James H. Alston. He made a statement here that he was fired upon and wounded in his house. Were there any persons arrested for that outrage?

Answer. Yes, sir.

Question. Please state who they were.

Answer. There were five negroes arrested—I think five. I will try to give you their names. John Adams; Joe Fitzpatrick; Richmond Campbell; a man by the name of Marquis; his first name is Marquis; his surname I cannot recall. I think his name is Marquis Allen. The other name, if there were five, has entirely escaped me.

Question. Were these men arrested upon affidavit?

Answer. They were arrested upon the affidavit of Alston.

Question. What was the purport of the affidavit?

Answer. The purport of it was that he had been shot, and that he believed that these were the parties who shot him.

Question. Were those parties ever tried?

Answer. They had a preliminary trial, sir.

Question. What was developed in the preliminary trial?

Answer. Well, sir, it was developed in that preliminary trial that there had been a series of political meetings held over at a church known as Zion church, near there; they were republicans; that there were two factions of that party; and that John Adams was considered as one of the leaders of the faction opposed to Alston. They had held a meeting on the night upon which this shooting occurred, which was represented as being boisterous in its nature. The specific threats that were stated to have been made I do not remember. I just remember the general characteristics of the meeting. It was stated that after the adjournment of the meeting, I think about half an hour after the adjournment, and just after Alston had gone home and undressed and was going to bed, the firing in which he was wounded took place.

Question. Was this the only circumstance that tended to implicate these negroes in the assault?

Answer. Yes, sir, all that I am aware of.

Question. Was it believed by the negroes especially, that these men were guilty?

Answer. By the negroes of the community?

Question. Yes.

Answer. I am not prepared to say, sir. I think the sentiment was rather divided,

and I am inclined to think that the prevailing opinion among the negroes was that they were not guilty.

Question. Was there not a tumult among them?

Answer. Very great, sir, immediately following.

Question. Did a large body of negroes get together for the purpose of taking vengeance upon these negroes?

Answer. Well, a large body of negroes assembled, and it was thought that these negroes were in danger. It was also thought that the town itself was in danger, and an organization was effected for the protection of the town. Would you like to have the particulars of that?

Question. Yes, sir, without further questioning, if you will give us an account of the whole thing.

Answer. Well, sir, this shooting took place upon Sunday night; the date I do not remember. I heard of it Monday morning, I think it was. I believe now it was Saturday night, and that I heard of it Sunday morning. At all events, soon after hearing of it I went into town, and the negroes continued to increase, and, such was the report, going over to Alston, and at night it was reported that they had increased to the number of two or three hundred there. There was an impromptu town meeting of the citizens called at a law office, and after some considerable debate with regard to the best measures to be adopted, the committee resolved that General Battle be requested to take such measures as may be necessary for the protection of the town. That was all that the meeting did. I immediately organized a squad of, I suppose, about forty, moved out and armed them. I reported to the sheriff first. He approved of the organization and joined our party. I requested him to take command of the party, but he appointed me special deputy for the occasion, and went with us. I halted within about fifty or one hundred yards of Alston's house, where this crowd had assembled. Alston had been shot, and the crowd had assembled around his house. I contented myself with simply establishing a patrol on the various streets leading out from that party, and nothing was done that night except the firing of a gun from one of my picket posts. The next morning about sunrise, or between daylight and sunrise, I went up a little nearer, so as to ascertain the number of negroes and their character; and believing that I had a very great influence with Alston, as he had once belonged to me, was my drummer at the commencement of our difficulties, I went up to have a personal interview with him. I went into the house and spoke to him kindly, pleasantly, and he agreed that if I would guarantee to him protection, his friends might disperse. He said that their object was for his protection, and not for the destruction of the town. I gave him my personal assurance that he would be protected, and requested him to send off his people, assuring him, at the same time, that if he did not I should certainly attack them, because I was acting under the orders of the sheriff and at the request of the citizens. They every one soon dispersed. I rode through the crowd solitary and alone. I suppose there were over two hundred negroes there with guns. They dispersed, though, pretty soon. I then retired, came back to town, and after being in town an hour or so I heard that there were combinations at two or three other points in the country, large combinations of negroes. I then got a squad of about twenty horsemen and rode out to these various points and had no difficulty in dispersing them. We did not fire a gun; they retired upon being ordered to do so. When I got back to town Governor Smith had arrived. I reported to him in person immediately. He appointed me as special aide-de-camp for the occasion, during the continuance of these difficulties. I received some orders from him. In a very little while after that the Federal garrison arrived. They reported to the sheriff, and the sheriff then requested me to make such dispositions as I thought necessary. I communicated with the officers, and got a squad of Federal soldiers and arrested those whom I considered the ring-leaders there, and the thing quieted down.

Question. What was done with the negroes who were arrested on the charge of shooting Alston?

Answer. They were tried in a preliminary examination. Two of them, Fitzpatrick and Marquis, were, I think, discharged. Joe Fitzpatrick I know was, and I think Marquis was discharged on the preliminary examination, and the others were bound over.

Question. What was the impression as to their guilt or innocence?

Answer. At the time, the impression was pretty strong as to the guilt of three of the parties, John Adams, Richmond Campbell, and a man whose name I cannot recall, if there were three. I have been under the impression that there were five in the whole number, but Marquis and Fitzpatrick were discharged.

Question. Alston stated that a guard was put over his house by the sheriff.

Answer. I think we left a guard there.

Question. He says that he was fired upon a second time soon afterwards.

Answer. I know nothing of that.

Question. You heard nothing of it?

Answer. No, sir.

Question. He states, also, that a committee, consisting of Mr. Carlos, Robert Johnson

General Gunn, Mr. Thomas Dryer, Mr. Campbell, Dr. McMullen, and Dr. Grigg, waited on him and ordered him out of the county.

Answer. I think, sir, that a committee, or some of those gentlemen, did wait on him. I do not think they ordered him out of the county. I think they advised him to leave the county upon the ground that they did not consider him safe there. I am quite sure that they believed that the difficulty was on the part of the colored people entirely. These gentlemen whom you have mentioned, especially Mr. Carlos and one or two others, are remarkable for their kindness of heart. If you were to pick out a gentleman as an amiable man in our community, you would be very apt to pick out Carlos, and I think he felt that Alston was really in danger from his own color.

Question. You do not think that any of these gentlemen apprehended that the white people would inflict any injury upon him?

Answer. O, no, sir.

Question. There was no feeling of that kind?

Answer. I think not. I think it was regarded as a jealousy among the negro members of the republican party there.

Question. If there had been any feeling of uneasiness or apprehension that the white people would make an attack upon him, would you have known it?

Answer. I think I would; I think either party would have communicated it to me.

Question. You are acquainted with all these gentlemen whose names I have called?

Answer. Intimately, sir.

Question. Your understanding from them was that their advice to him to leave was grounded entirely upon their apprehension of danger to him from the negroes?

Answer. That is my understanding, sir. I now remember, since I have been thinking over the matter, what I understood was the cause of the faction over there at that church. It was reported to us, and was developed upon that trial, that there was a portion of the negroes there who were in favor of having white men connected with the League, and there was a party of them who were opposed entirely to the presence of white men in the Leagues and meetings. That, I suppose, was the grand cause of disturbance between the two factions. That was the idea developed.

Question. Do you know Thomas Dryer?

Answer. Very well, sir.

Question. This man Alston stated, on examination here, that Thomas Dryer sent word by his cook to him that he should die—sent a threatening message to him.

Answer. Of course I cannot say anything about the message; I know nothing about it; but from the character of Dryer, I can say that Dryer is not at all a violent man. He is a remarkably conservative man in his feelings and sentiments. Indeed, you may judge that he is a man of not the slightest violence in political sentiments from the fact that he is the mercantile partner and associate of the leading radical of our county, Judge Meniffee. Judge Meniffee is the partner and associate of Captain Dryer.

Question. Is Meniffee the probate judge?

Answer. Yes, sir.

Question. This man stated that you, in company with Judge Meniffee, called upon him and told him that if he attempted to celebrate the fifteenth amendment he would be in great danger there.

Answer. No, sir; that is not true. Indeed, I do not remember to have ever heard of any celebration, or proposed celebration, of the fifteenth amendment.

Question. Did you ever call upon him, upon any account, with Judge Meniffee?

Answer. I think it is possible that Judge Meniffee was with me when I went up to him that morning after the firing to request him to order his friends away. I know Judge Meniffee was acting rather as my staff officer during part of these difficulties. I think it is probable that he went with me on one occasion to Alston's house, but there was nothing of that kind said, because it was just simply an order for him to have his friends disperse.

Question. He says that after the sheriff put twelve men as a guard and assured him there would be no disturbance, within ten minutes he was shot again.

Answer. There is no truth in that; there cannot be, or I certainly should have heard it.

Question. You say this man Alston was with you during the war?

Answer. Not during the war. I bought him at the time we were organizing troops. I bought him as my drummer, and he was in my service as a drummer in the organization of troops in the early part of the war, and was very much offended, I think, that I did not take him to Virginia. He wanted to go out as the drummer of a company to Virginia, and I declined to take him there.

Question. What is this man Alston's character?

Answer. When I knew him before the war, when he belonged to me, he was quite an orderly negro, a good boot-maker and a valuable servant. Since then I have heard of his being exceedingly turbulent and sometimes—let me see how I will express that—overbearing in his manner to his own people and insolent in his manner toward white people, though that is not his manner toward me. He is uniformly courteous to me, and has always been so.

Question. How in respect to his character for truth and veracity?

Answer. I have never heard it discussed.

Question. You do not know?

Answer. I am not prepared to say. If you bring it to the old law rule as to his general character in the community, I cannot answer, because I do not know what his ideas about the sanctity of an oath are. There are many of these people who have very loose ideas on that subject.

Question. Do you know a man by the name of William Dougherty?

Answer. Very well, sir.

Question. What is his occupation?

Answer. He is a lawyer, sir.

Question. Does he practice law now?

Answer. He keeps an office, or has up to a late date, at Opelika. He has lived the greater portion of his life at Tuskegee, Macon County.

Question. It never has been ascertained, as I understood you, who did the shooting on that night?

Answer. No, sir; never satisfactorily ascertained.

Question. Mr. Dougherty, in his testimony, gave an account of an attempt to assassinate him in a swamp soon after this occurrence; do you know anything of that?

Answer. I know the report that was in existence.

Question. I believe he stated that you employed him to prosecute some whom he suspected?

Answer. No, sir.

Question. I may be mistaken about that?

Answer. I do not think any prosecution was attempted at all.

Question. He stated here that he went through the woods one night very secretly to reach your house, and I understood him to say that he did reach the house and employed you to prosecute, and that the man had found it out, and disappeared.

Answer. I never heard of it at all.

Question. You never heard of his having any such intentions?

Answer. No, sir.

Question. He never told you so?

Answer. No, sir.

By Mr. BUCKLEY:

Question. This man Smith fled the country soon after that?

Answer. Yes, sir; I think Smith left soon after that.

By the CHAIRMAN:

Question. He was a man engaged in a livery stable?

Answer. Yes, sir. I know he is not there now and has not been for a considerable length of time. If you wish anything said in regard to him I will simply state that Smith was regarded as a remarkably reckless man, and was very reckless; that I had him put under special guard during this disturbance to keep him from doing mischief. His disposition appeared to be to do mischief, and he cared very little how he did mischief. He was regarded as a naturally depraved man—a very bad man. When I started out I found that Smith was in my party, and I had him put under special charge of somebody, to keep him straight. He was only there in our community about a month, and he impressed everybody with the idea that he was an exceedingly reckless, bad man. I think he did not care very much whom he shot.

By Mr. BLAIR:

Question. The impression sought to be conveyed by Mr. Dougherty was, that his assassination was attempted by this man at the instigation of others on account of his politics, on account of his being a republican.

Answer. Well, at the time, immediately afterwards, the impression prevailed there in town that Dougherty shot himself.

Question. I believe he stated that the democrats said he was drunk and shot himself?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. I think he said that the paper there made that statement?

Answer. I do not remember what the publication in the paper was.

By Mr. BLAIR:

Question. He stated distinctly that he had come to Chehaw and to this place responding to an invitation on the part of the executive committee of the State, and in consultation with them he had devised plans for prosecuting their political campaign, and this attempt to assassinate him was in order to prevent those plans from being carried out. That was his statement.

Answer. I have no idea that there was any party in it or any concert of our friends

up there or any party influence that led to that attack upon Dougherty. I do not see how it could be; our people did not know what plans were devised down here. I should not think so.

Question. Do you recollect the burning of Zion church there, and the killing of some negroes?

Answer. The church was not burned.

Question. An attack made on the church?

Answer. Yes, sir.

Question. Give us an account of that.

Answer. Do you desire a history of the circumstances?

Question. Yes, sir.

Answer. Well, sir, that attack was upon the night following the republican meeting in Tuskegee. There had been a meeting of the republican party, or it was so stated and commonly believed, and not denied, I believe, at Hunnicutt, for the purpose of nominating candidates, and they had nominated candidates. Among others they nominated Dougherty as a candidate for the legislature. This meeting at Tuskegee, it was announced, was for the purpose of ratifying the Hunnicutt meeting. The meeting was called to order by Dougherty, as the chairman of the executive committee there; he made a speech. Mr. Norris made a speech, and then Dougherty requested all present who were not members of the republican party to withdraw, inasmuch as the republican party wished to transact some business of their own. Nearly everybody withdrew, except about eight of us, who were there as a special police. On the occasion of nearly all these meetings there is a special police, and on that occasion I chanced to be one of them, and about eight of us remained. Dougherty then stated to them that the object of the meeting was to ratify the proceedings of the meeting at Hunnicutt, and that all those in favor of ratifying that action would say "ay." No response was given. He then got up and stated he supposed they must have misunderstood him; that he had used the wrong word, the word "ratify," which he supposed they did not understand, and he said "All who are in favor of voting for the ticket nominated at Hunnicutt, and who are going for it, rise." Not a soul rose; there was a total failure. Whereupon Alley, a white man up there, I think, put himself in nomination. At all events, that meeting there nominated Alley and St. Clair, and did not ratify the nominations made at Hunnicutt. There was very considerable feeling, but it was not necessary for the police to interfere at all. There was very marked feeling manifested between the friends of the people from Hunnicutt and the people there at Tuskegee. That night, at the adjournment of that meeting, the shooting took place at the Zion church. A very general opinion prevails that it was an attack by the Hunnicutt neighborhood against the town people, who had broken up their organization.

Question. He says there were two negroes killed and five or six wounded?

Answer. Yes, sir; one negro was killed and another mortally wounded; he died, I suppose, within a week or two; and some two or three others were shot. The next morning after the occurrence, the shooting, I went over there in company with two or three others, and saw John Butler, the minister over there, and asked him if any of his people were able to identify any of these parties. I said, "Now Butler"—I was pretty active in arresting this party some time ago for violence here in town—"now, if you are satisfied that any of our people have done this and will put me on the track of them, I will certainly catch them, if you will give me the slightest evidence in the world." He said he could not tell. I then went to see Columbus, one of the negroes who was shot; I questioned him closely; he was not able to tell anybody in the party at all. Columbus's wife seemed to have a better idea perhaps than almost any one else. She said she was in her yard near by when a party of horsemen came up to the church, but she could not identify any of them at all to know any of them.

Question. Were they disguised?

Answer. Not that I then learned. They did not tell me so then. I afterwards heard it reported that some of them were disguised, but I did not hear it in my first interview over there. No one ever told me there was any one disguised. I remember asking Columbus the question whether or not he did not believe he would have recognized any man residing about Tuskegee there if he had come in the house. They represented them as coming in and firing in the house. He said he did not see any face he was familiar with that night.

Question. He did not say that they were disguised?

Answer. No, sir, he did not.

Question. Dougherty says there was a mask and a note picked up there.

Answer. It was so reported; I never saw either.

Question. A note written by a young lady to two young gentlemen named Morrison and Burton.

Answer. I heard it said. I inquired for the note and tried to see it, but never found it; never saw it. I could never get any definite information in regard to it at all.

Question. He also stated that every colored church and school-house in the county

was burned—not every one, but he mentioned three, Warrior's Stand, Sweet Gum church, and another, the name of which I do not remember.

Answer. Sweet Gum church was burned; I do not remember as to the others. I will state that immediately afterwards the white people in its neighborhood subscribed for its rebuilding, and the church has been rebuilt.

Question. Do you know a Dr. W. J. Gautier?

Answer. Yes, sir, very well.

Question. What are his political sentiments?

Answer. He is a republican.

Question. This man Dougherty said that Gautier voted the democratic ticket, because, he said, he was afraid to vote the other way.

Answer. I do not think Gautier did; but I will just state an affair that was regarded as very amusing at the time, but simply as amusing. When I was moving out with my squad of horsemen, for the purpose of seeing these assemblies of men and dispersing them, Gautier met us and called out to us, about fifty yards distant, "I am a democrat, gentlemen;" but he did it in a very pleasant way; he did not seem to be in the slightest degree intimidated. Indeed, he and I are on very social terms. He said, "I am a democrat," but I have never heard of his voting the democratic ticket.

Question. Is it understood there that he voted the democratic ticket?

Answer. No, sir; he is a very decided republican. I think the only time it has been mentioned was on that occasion.

Question. Does he attempt to conceal his sentiments?

Answer. Not at all, sir.

Question. You do not think he is under apprehension, then?

Answer. Not the slightest. My opinion is that he rather plumes himself upon the fact that he does not hesitate to avow his sentiments.

Question. Mr. Dougherty said that after this Alston affair no republican felt safe at all.

Answer. I cannot say as to that, but there was no occasion why they should not have felt safe. Does he say anything about his being hung in effigy?

Question. Yes, he said he was hung in effigy, and by this man J. C. Smith, whom he suspected of the attempt upon his life.

THE WITNESS. Is it proper that I should say anything in regard to Dougherty's character here?

Question. Certainly, I was going to ask you as to his character in the community.

Answer. I will state this, that I suppose that I treat Dougherty with more consideration than any other man of my party in our section of the country. His father and I were devoted friends, but he is regarded as the worst man who ever lived in our community. Some time ago Dougherty was appointed postmaster. An inspector of the Post-Office Department came to Tuskegee, for the purpose of looking into the condition of affairs there, some protest having been made. He called a meeting of the citizens, not a general meeting, but a meeting of prominent citizens, for conference, and said he would not impose upon us any man who was personally objectionable; that they would have a republican, of course, but not a man personally obnoxious to the people. That conference consisted of myself, Colonel Abercrombie, Dr. Gautier, and, I think, W. B. Bowen, though I am not absolutely sure of that, and perhaps one or two others. Republicans and democrats all stated that they were not willing for Dougherty to be in the office, and that they would not be willing for any valuable matter of theirs to pass through that office if he had charge of it. Upon that representation, upon the statements made in that meeting, his appointment was not confirmed, but William B. Bowen, now the postmaster, was appointed, and is acting.

Question. Dougherty stated before the committee, in response to a question of mine, that he had been indicted once for murder.

Answer. Yes, sir.

Question. And had put in the plea, as he stated, that he had taken eight or nine grains of morphine; that that was his defense upon which he was cleared.

Answer. He was cleared upon the general plea of insanity, occasioned by excessive drink.

Question. That was the plea—insanity?

Answer. Yes, sir.

Question. Was there no doubt about the murder?

Answer. No doubt at all, sir. He killed a very inoffensive young man down there with a door-bar.

Question. Who was the young man?

Answer. A man by the name of Davis.

Question. What were the circumstances attending the killing?

Answer. I can only tell you by general report what the circumstances were.

Question. That is admissible, if the report you give is one that you place reliance upon.

Answer. Dougherty and Davis were in a room together, and some very slight matter of disagreement or altercation occurred between them, and Dougherty says to him,

"Tom, I am going to kill you ; damned if I don't kill you." Davis said, "No, Bill, you must not do that." Dougherty says, "I will," and he got up and picked up the door-bar, and knocked him in the head. I was not present at the trial, but that is the statement which I have uniformly heard.

Question. What were Davis's politics ?

Answer. I think he was a democrat, but I do not think that politics had anything to do with that killing.

Question. What was Dougherty's politics at that time ?

Answer. I do not remember, sir.

Question. I think he stated that he was a republican, but that he was very particular not to disclose before this trial what he was. I would like you to now state your knowledge of this man's character and reputation in the community in which he lives, for truth and veracity ?

Answer. It is bad, sir.

Question. Would you believe him on his oath ?

Answer. I could not, sir, upon his general reputation. I believe that is the way the law question is always put.

By the CHAIRMAN :

Question. What are your personal relations with Mr. Dougherty ?

Answer. They have always been kind ; that is, there has been no personal feeling out between us ; as I stated just now, I meet him with, I suppose, more cordiality than any man of my party in the county.

Question. Is he regarded as a very ultra party-man now ?

Answer. He was regarded so up to the time he left our community. His present residence is Opelika.

Question. I speak of the time when you knew him in your community.

Answer. He was regarded as an ultra partisan.

Question. As such, did he provoke any hostile feeling from the opposite party ?

Answer. How do you mean ?

Question. I mean to ask whether there was a feeling of hostility against him, on the part of the members of the democratic party, on account of his ultra character as a republican ?

Answer. Yes, sir, I think there was ; that and the manner in which he conducted his political campaigns. His manner of canvassing was regarded as having in a high degree an incendiary tendency to put at war the two classes in the community.

Question. He was very active at the polls, was he not, in distributing tickets and inducing as many as possible to vote the republican ticket ?

Answer. I think it is highly probable that he was. I do not remember of having seen him at any election.

Question. He was deputy census-taker in that county ?

Answer. Yes, sir, he was.

Question. And deputy marshal ?

Answer. Yes, sir, for that purpose ; specially appointed for that purpose.

Question. You do not doubt the fact that he was hung in effigy in your town of Tuskegee ?

Answer. I think that is true.

Question. Have you any reason to doubt his statement under oath that he was fired upon, when returning from Tuskegee to Montgomery ?

Answer. No, sir ; I think he was fired upon. That is my personal feeling in regard to it, that he was fired upon.

Question. Is it not the fact that Mr. Smith, the man that he believed to be the person that fired upon him, left that community shortly afterward ?

Answer. He certainly left, but how soon afterward I am not prepared to say.

Question. Mr. Dougherty is right, then, in the main fact he states, that Zion church was fired into upon a certain night ?

Answer. Yes, sir.

Question. The same night a political meeting was held there ?

Answer. Yes, sir ; the meeting was held during the day, and they were also holding a meeting at the time of the firing, but the people at Zion church represented that it was not a political meeting, but was a church meeting.

Question. Was it not a meeting of the elders of the church ?

Answer. So they represented.

Question. Do you know that that is not true ?

Answer. No, sir, I know nothing about it.

Question. Was not the political meeting at an end, and had not the parties gone home ?

Answer. For the most part, I think so.

Question. Dougherty himself was not there ?

Answer. I cannot say, sir.

Question. What is your information as to the number who were assembled in the church at the time this party fired into it?

Answer. I have no definite information. The church, I suppose, would seat about a hundred; I do not suppose that it would seat over that; and the idea I obtained was, that it was a pretty full meeting over there.

Question. Was it the understanding that the party who fired upon the church came there upon horseback?

Answer. Yes, sir.

Question. What was the number supposed to be, as ascertained from the tracks or other means?

Answer. I think I asked Columbus's wife her estimate, and I think she was the only person I did ask. I think she estimated it at about twenty.

Question. Were the tracks of the horses traced to ascertain in what direction they went?

Answer. It was reported that they were traced up and out in the direction of that Sweet-Gum church, to the vicinity of that Sweet-Gum church.

Question. What evidence is there that the defeated Hunnicutt party had anything to do with that outrage?

Answer. The only evidence I can conceive of is, that they were defeated in the first place, their party organization defeated; the fact that they came in about that number upon horseback up to the meeting, and that the direction to their home was the direction in which the tracks led off.

Question. Sweet-Gum church is a point in what direction?

Answer. Between Tuskegee, on the usual road to Hunnicutt.

Question. Was the colored church or school-house at Sweet-Gum burned that night?

Answer. No, sir.

Question. Had it been burned before, or was it burned subsequently?

Answer. I am not prepared to say.

Question. What effort was ever made, on the part of the community, to ascertain who were the authors of this crime?

Answer. The firing at the church?

Question. Yes, sir.

Answer. The only effort that I am aware of was the fact that individuals, myself among the number, went over there and attempted to find out, by conversation with the people there, who were the parties.

Question. You went over to Hunnicutt?

Answer. No, sir; to the church, where the firing took place.

Question. This church was in the immediate neighborhood of Tuskegee?

Answer. Yes, sir; right at Tuskegee. We went over there, and inquired among the people who worshipped there, their pastor among the rest, and requested them to furnish us any evidence they had, and stated that we were ready to follow out any traces they would put us upon.

Question. That was the next day?

Answer. Yes, sir.

Question. Did your conservators of the peace in that county ever make an earnest, diligent effort to ascertain who were the authors of that crime?

Answer. I am not prepared to say.

Question. Do you think there was the same zeal manifested in learning who the miscreants were, as there would have been if white men and democrats had been murdered?

Answer. I do not know, sir. The officers there were all republicans.

Question. I am speaking of the community generally. I limit my inquiry to the immediate conservators of the peace.

Answer. I think this: If a number of white men had been killed, the community would have been more incensed. I think it is very natural that such would have been the consequence.

Question. Were not the negroes who were killed that night harmless and inoffensive people?

Answer. Yes, sir.

Question. There was nothing against their character?

Answer. Not that I am aware of.

Question. Are the negroes in that community generally republicans?

Answer. Yes, sir.

Question. Do they vote the republican ticket?

Answer. Yes, sir, almost entirely; there are very few exceptions.

Question. Are you aware, or were you at the time, of the existence of any feeling of hostility against the blacks on account of the fact that they thus unanimously voted the radical ticket?

Answer. No, sir.

Question. You have heard of no expressions of hostility upon the part of democrats?

Answer. No, sir; I think our people have been unanimously disposed to conciliate. It would be naturally the tendency of a county in which the whites were largely in the minority. Our policy has been conciliation.

Question. In the hope of winning the negroes over to your party?

Answer. Yes, sir.

Question. Has it been successful, general?

Answer. Not much; very little.

Question. Your party has succeeded, however, in that county, in greatly reducing the number of colored men who voted at your elections?

Answer. I do not think there are as many as formerly.

Question. Do you trace any connection between these outrages and the fact of that diminution of the vote?

Answer. I think there is some; it may have its effect, but I think the principal reason why the colored vote does not realize what they expected to realize is, because they are losing interest in the politics and elections of the county.

Question. The reduction of the colored vote, in your county, is numbered by hundreds?

Answer. Yes, sir; I think it is.

Question. If it be true that not only the Sweet-Gum church, but two other colored churches or schools were burned in your county, do you recognize in those facts the evidence of the existence of any hostility upon the part of the white people of your county to the education, religious or otherwise, of the black race?

Answer. I do not, sir.

Question. To what cause, then, do you ascribe the fact, if it be a fact, that these three schools and churches were burned?

Answer. Well, really, I am unable to say. You must recollect that at the same time, or during the same summer, the Baptist female college in Tuskegee was burned. The burning was not confined to the churches or academies of colored people, but the finest collegiate building in East Alabama was burned at the same time.

Question. By an incendiary?

Answer. It was so supposed.

Question. You have no direct evidence?

Answer. No direct evidence as to the burning of any one of them. All I know is, the evidence that the Sweet-Gum church was not burned by the whites; a strong reason to believe so is, that they at once proceeded to subscribe and furnish means for the construction of another building.

Question. The entire means, or only a part?

Answer. I think the larger portion.

Question. About how much?

Answer. I cannot tell you. I heard it in general terms.

Question. What was the value of the church destroyed?

Answer. It was a very old, inferior, wooden building, about 40 by 60 feet. I remember that in the Breckinridge campaign, or the Buchanan campaign, I had a discussion in that church with General Gunn; he and I differed in politics in those days, and I then observed that the old house was a very rickety one. That was several years ago. The present building I consider very much superior to the one which was burned. I have just heard, in general terms, that that church has been rebuilt by the white people of that community; indeed, I think I subscribed something to it myself.

Question. You have spoken of the case of Alston; was not Alston a very influential man among his people in Macon County?

Answer. So regarded, sir.

Question. He was a man, I think you said, who was a shoemaker by trade?

Answer. Yes, sir.

Question. Subsequently a musician?

Answer. Yes, sir; a drummer.

Question. A man of some intelligence?

Answer. Yes, sir; he would be regarded as a shrewd man.

Question. He had been sent by the people of that county to the legislature, had he not?

Answer. Yes, sir.

Question. Had attended some two or three sessions?

Answer. I do not know how often he had been here. I do not remember.

Question. Was there another colored member from your county in the legislature?

Answer. Not at the time Alston was there.

Question. Was there subsequent to him?

Answer. Yes, sir; St. Clair is the present colored member from Macon.

Question. Was there not hostility felt on the part of the democrats of that county against Alston on account of his known influence with his own people, and the manner in which he exerted it? Was there a bad feeling against him?

Answer. I think there was a bad feeling against Alston, both among some of the white democrats and a very considerable number of his own people.

Question. I think you said he came to be insolent to the whites and overbearing to his own people?

Answer. So it was said. I have heard that character ascribed to him. As I stated before, to me he has uniformly been courteous.

Question. If that be a fact, did it provoke unfriendly feeling toward him?

Answer. I think that was the ground that led this committee to advise him to leave; that he had provoked both whites and blacks.

Question. Did he take their advice?

Answer. I do not know. He has not been there since. I think they assured him that if he would agree to leave, they would give him a safe-conduct to the depot. I think he agreed to that, but afterward left clandestinely. I think he has been back there since.

Question. Did you examine the house in which he lived to ascertain the number of shots that were fired?

Answer. Yes, sir.

Question. How numerous did they seem to be?

Answer. I just made a general estimate. I did not count the shots. I remember that it impressed me as appearing to have been fired by about four shot-guns. You know the usual number of buck-shot which a shot-gun contains is about twelve to fifteen, or sometimes more. Just looking at the house, my inference was that about four shot-guns had been fired.

Question. How was he wounded?

Answer. He was shot in the shoulder, I think, sir, and in the heel, I understood. I did not examine his wound at all.

Question. Was his wife likewise hit?

Answer. His wife was shot in the foot. I do not remember whether he was shot in the foot or not.

Question. Did you see the evidence of the shot on the head-board and the foot-board of the bed?

Answer. Yes, sir; I think there were some two or three shots in the head-board. There seemed to be an evident determination to kill him by those who did the shooting. I think there was a desire to kill him.

Question. Has it ever been ascertained whether the men who made this attempt were white or black?

Answer. I do not think it ever has.

Question. Did the tracks show next morning whether they came on foot or on horse-back?

Answer. I think I now remember to have heard it stated that there were tracks of a person on foot, and leading off across a little cotton-patch immediately in front of Alston's house. That is the only allusion to tracks I remember to have heard. One person crossed a little cotton-patch.

Question. About what time was this occurrence? Was it during the pendency of the canvass in 1870?

Answer. I expect it was. It was during the pendency of some canvass, and it was about that time.

Question. Did not his friends regard it as a political attack?

Answer. I should think that they did not, at first, from the fact that these men were arrested upon his own affidavit. I think that eventually the feeling got to be that it was political.

By Mr. BLAIR:

Question. Did you state that these men were arrested on Alston's own affidavit?

Answer. Yes, sir; on Alston's own affidavit.

By the CHAIRMAN:

Question. You were proceeding to state what the sober second thought of the people was.

Answer. I do not know as to sober thought, but I think that there was among Alston's friends a very general disposition to lay it to the charge of the white people.

Question. The democrats?

Answer. Yes, sir; though the community never recognized the justice of that charge.

Question. You speak of two men having been discharged upon the preliminary examination?

Answer. Yes, sir.

Question. And three recognized to appear at court?

Answer. Yes, sir, I think there were; but I cannot recollect the names.

Question. Were you attorney upon either side?

Answer. I was attorney for Fitzpatrick. I know I got my man off.

Question. Do you know who became the bail of the men who were admitted to bail?

Answer. I think Jesse Adams was bail of John Adams. I am very sure he was, for he was his blacksmith.

Question. Was Mr. Johnson bail?

Answer. I do not remember.

Question. Was Mr. Adams a democrat?

Answer. Yes, sir.

Question. Is Johnson a democrat?

Answer. Robert Johnson is a democrat.

Question. Is he a leading democrat?

Answer. No, sir; he is not prominent at all in politics. He is a very quiet man.

Question. Have these men thus admitted to bail ever been brought to trial?

Answer. I cannot say; I do not think they have.

Question. This occurred last fall, some time?

Answer. Yes, sir.

Question. They have been indicted?

Answer. I do not think they have.

Question. Have they been discharged, or are their recognizances still operative?

Answer. I cannot say. I was not counsel for those retained, and I have not given it especial attention.

Question. Did the whites take much interest in discovering who these men were who attempted to murder Alston?

Answer. A very great interest at the time.

Question. Was general sympathy felt for him?

Answer. There was a very great, and, I may say, universal feeling of condemnation of the act, and every sympathy for Alston, and very great sympathy for Alston's wife. Alston's wife was very much regarded there by some of our people.

Question. Was she a mulatto?

Answer. Yes, sir. His father-in-law and mother-in-law were people very much liked by quite a number of white people in our community, and the sympathy for her was very marked, more so than for Alston himself.

Question. In this case of the attempt to murder Alston, and in that case of the murder at Zion's church, if the men who thus were murdered, or attempted to be murdered, had been white men of good standing in the community, do you not think that a persevering effort on the part of the whole community to ferret out the authors would have been successful?

Answer. I cannot say whether it would have been successful. I think it would have been persistent.

Question. As it is, has not all interest in those crimes disappeared?

Answer. For the most part, it has subsided.

Question. Does that result from a feeling of indifference toward the negro, either on account of his natural inferiority or because of his sympathy with the radical party?

Answer. I think this: that if, as I said before, they had been prominent white people, the interest of the white people would have been continued, and persistent efforts would have been made to bring the offenders to justice. I think that time has necessarily modified the feeling as it is, and that their immediate friends have taken no steps to bring the matter forward, and it has quietly subsided. These men, of course, taking a position up there of quasi hostility toward the whites, the mass of the community do not feel themselves to be the special custodians of them, you know; inasmuch as their own people have not pressed this matter and brought it forward, it has been permitted quietly to die out. I have not the slightest doubt in the world that the negro would have got perfect and complete justice at the hands of our people if the matter was brought up; but, as a matter of course, take a prominent member of any community, and his killing will have more effect than the killing of a person of less prominence.

Question. Suppose a civil contest existed between such a man as Alston, a black man, a prominent republican, a man who had made himself offensive to the democrats by reason of his activity and zeal and influence, and, on the other hand, a white man of good standing in the community. I desire to know whether in your opinion there would be in a jury trial any discrimination against the black man, on account of his color and radical proclivities?

Answer. I do not think there would. I think that was evinced about two weeks ago, in the trial of a negro upon a charge of rape upon a little white girl. I never saw in my life a fairer trial. General Clanton and myself defended that negro, and brought to bear every particle of evidence we could find tending in the slightest degree to mitigate his crime.

Question. Was the jury composed exclusively of democrats?

Answer. I cannot say; I reckon not. It was composed entirely of white men. We never have had a colored jury in Macon County.

Question. General Clanton was a very prominent democrat, was he not?

Answer. Yes, sir.

Question. It may be fairly presumed, I suppose, that the influence of General Clanton and yourself had something to do with producing the result?

Answer. We did all we could to get him a fair trial. The facts were very strong against him, and he was convicted. I have never seen a trial there in which I did not think they did perfect and complete justice.

Question. Do you think there would be the same strict, severe, impartial justice in favor of that class of white men in the community generally called scalawags?

Answer. I think at the court-house there would be. I think that in the court-house the terms of equality are complete. There are some distinctions in social life, but I have never seen it exhibited in the court-house.

Question. You have heard, I suppose, of Ku-Klux outrages in various parts of Alabama?

Answer. Yes, sir.

Question. Have you ever heard of any in your part of the State?

Answer. Not unless these were Ku-Klux outrages. I have never known of the existence of any Ku-Klux organization in Alabama. I do not believe any Ku-Klux organization ever existed in East Alabama, because I do not think it could or would have existed without my knowing it.

Question. My point of inquiry is, whether you ever knew a reputed Ku-Klux brought to trial and judgment?

Answer. No, sir; I never saw a reputed Ku-Klux, never saw a Ku-Klux.

Question. The general impression of the democratic party is, that that organization is a myth?

Answer. Yes, sir. In our part of the State I have no question that it is a myth. Speaking of Ku-Klux, I do not know a solitary man in East Alabama whom I know of anybody suspecting of being a Ku-Klux—not a man.

Question. You are not informed of the existence of any organized bands riding about the country after night in disguise?

Answer. No, sir; not at all.

Question. You have not heard of any such in Eastern Alabama?

Answer. Not any. I have heard a rumor of it in Western Alabama. I do not remember the exact locality.

Question. It was a mere rumor?

Answer. Yes, sir.

Question. You read the democratic papers principally?

Answer. Well, sir, I try to read them all.

Question. You do not read any account in the democratic papers of Ku-Klux operations?

Answer. I sometimes see a rumor of Ku-Klux operations in them. There is one point I have been considering about Dougherty. While I regard him as a very depraved man, I have been questioning in my mind whether or not, under the sanctities of an oath, he would deliberately swear falsely, and I am not prepared to say that he would. His reputation is bad, but if you ask my individual opinion, (because I know there are some good traits in Dougherty,) I am not prepared to say that he would deliberately, under the sanctities of an oath, swear falsely, although I disagree with him, in some statements that he has made, totally. His reputation, however, is very bad.

By Mr. BUCKLEY:

Question. The bad reputation of which you speak comes in part from his intemperance?

Answer. Yes, sir; and I am going to qualify that too. I do not know as his reputation affects his veracity so much as it does other qualities. He is regarded as a man of very little moral sense, very little true estimate of the proprieties of life. He is regarded as a very wicked man, but I am not prepared to say that he has gone to that step. I think a man has to go very far to reach that step where I would say that I would not believe him upon his oath.

Question. You spoke of some ringleaders, who were arrested. I did not fully understand you in regard to that. Did you have reference to the leaders of the colored men—the three or four hundred colored men who assembled?

Answer. Yes, sir; men who had been prominent in that affair.

Question. How many were arrested at that time?

Answer. Let me count them up. I suppose I had arrested about six.

Question. What was done with them?

Answer. I do not think anything was done much. I recollect one was named Amos Philpot, another was named Cook, another Walker. Philpot and Cook said if they were not prosecuted they would leave, and I think they voluntarily left the community.

Question. They are not living in Macon now?

Answer. I do not think they are. I think it was left optional with them whether they would be prosecuted or voluntarily leave, and they left.

Question. You think some of the colored people came up from Hunnicutt to Tuskegee to the ratification meeting there?

Answer. I have no doubt of it.

Question. Do you think they attended the meeting?

Answer. Yes, sir; I am pretty sure they did.

Question. Would it not have been quite natural for the Hunnicutt people, if in the meeting, to have expressed their preference for the Hunnicutt nominees when the opportunity was given for them to get up or stand up?

Answer. Yes, sir; it would seem so. I was surprised, but it seemed that Alston got control of the meeting at Tuskegee by some means, and the colored people seemed to vote *en masse* that day, as Alston indicated. They seemed to be afraid. I think Dougherty was president of the meeting, and they seemed to be afraid of the influence of the white members of the party, for awhile, but eventually Alley seemed to get control of the chair, Alley and Alston, and they nominated Alley and St. Clair.

Question. Alley, who was afterward nominated, was a white man?

Answer. Yes, sir.

Question. Then, do you think these people who came from Hunnicutt to revenge themselves went to Alston's house?

Answer. No, sir; that was not the night; they went to the church. I am merely speaking of a popular opinion. I have not given my opinion; indeed, I was utterly unable to form an opinion. I went over there with the deliberate determination of forming an opinion, and if I found any of our people, to prosecute them as vigorously as the other party, but I got upon no track whatever, and have never been able to get on a track.

Question. Did you never hear reported in the community that there were some white men identified in either the one or the other of these attacking parties—I do not know whether it was the time of the attack on Alston or the time of the attack on the church?

Answer. It was the attack on the church, but those that I questioned were unable to give me any information at all.

Question. You had heard some report of that kind?

Answer. Yes, sir; that they had said so, but not that they identified anybody. I did not know who they were that they had recognized parties. When I called upon Butler to assist, that I might prosecute them, which I should have done, he was unable to give me any names.

Question. How is Mr. Butler regarded there as to truth and veracity?

Answer. Butler is regarded variously. In all communities there are a few individuals who never regard with favor their opponents, but I think that, with the majority of the community, Butler is regarded as a good man.

Question. He has been there a long time?

Answer. Yes, sir; he is a minister that attends to his own business. Although he is regarded as considerable of a partisan, he is not regarded as so offensive as some others.

Question. W. B. Bowen, of whom you have spoken, is he called Colonel Bowen?

Answer. Yes, sir. He is the only man of that name in the county.

Question. The present postmaster?

Answer. Yes, sir.

Question. Is he the same man who was hung in effigy at the time Dougherty was?

Answer. Yes, sir.

Question. Is Bowen a man of pretty good character?

Answer. I think a great deal of Bowen myself, and he has some very warm friends in our party. Bowen had an appointment on my staff at one time. Of course these intimacies once created are not easily disturbed, and I am one of Bowen's best friends.

Question. Was it a simple difference of political opinions that caused the burning in effigy?

Answer. I think so. He was hung in effigy. I do not think there were more than half a dozen men engaged in that affair. I cannot think there were half a dozen.

Question. You think, because of his political sentiments, that he was obnoxious to half a dozen at least?

Answer. He was obnoxious to all, but there were not exceeding half a dozen, I think, in that. It was universally condemned, and Bowen felt that he was personally in danger after this affair. As soon as I found that was his feeling, I went to him, and Dr. Thornton did, and we told him that, if he felt any hesitancy about coming down town, we would be his escort; and we laughed over the matter, and he has been going about since.

Question. With the exception of these occurrences, has your portion of the State been quiet?

Answer. Very quiet, as far as I know and as far as I am advised.

Question. What is the general conduct of the colored people at the present time?

Answer. It is very good, I think.

By Mr. BLAIR:

Question. You were asked by Senator Pratt whether, if a white person of good character and standing had been served in this way, there would not have been a more vigorous and persistent effort to ferret out the criminals. Is not that the case everywhere?

Answer. Everywhere, in consequence of the social status of the parties, not from the difference in political opinion.

Question. Is it not so in the Northern States? Do they not seek to convict men for crimes committed against men of good standing more vigorously than in a case of men of low character?

Answer. I think so, sir.

Question. Then I understand you that you do not think Tuskegee is an exception?

Answer. No, sir; I think that is a natural result of the constitution of society everywhere.

MONTGOMERY, ALABAMA, October 18, 1871.

CÆSAR SHORTER (colored) sworn and examined.

The CHAIRMAN. As this witness is called by the minority, his examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Cæsar, do you live in this town?

Answer. Yes, sir.

Question. How long have you lived here?

Answer. I have been living here ever since the surrender, or emancipation, as we call it.

Question. Cæsar, do you vote the democratic ticket?

Answer. Yes, sir.

Question. Have you ever been threatened by people of your color for exercising your own choice in that matter?

Answer. Yes, sir.

Question. What has ever been said or done to you by people of your color?

Answer. Well, I have been stopped right here on the street, and caught hold of by the coat. A colored man come up to me one morning and asked me if I was a conservative. I told him, "Yes." I didn't know him. He grabbed me by the coat and said, "God damn you, I have a mind to stamp your life out." I jerked away and run my hand in my pocket, and said, "I don't want to raise no fuss;" and I took a second thought, and went to the marshal, and had him arrested. Then I was attacked in the telegraph office by the crowd one day. A gentleman, now that is dead—General James Clanton—came up at that time and defended me. Another difficulty was, and I couldn't begin to tell the time when, that I was on business, and passing a crowd, there would be some remarks made like this: "There goes a damned rascal," but I wouldn't notice them. I couldn't keep up with everything said.

Question. You have been frequently threatened, then, with violence, as I understand you, by people of your own color, because you were a democrat?

Answer. Yes, that's the only objection they have to me. They would like me very well, they say, with the exception of that.

Question. Do you know some other men of your color who would vote the democratic ticket except for the feeling which the people of their color generally have against them?

Answer. There is.

Question. Do you believe that many persons of your color, or a number of them, would vote the democratic ticket except for the violence and threats of other persons of their own color?

Answer. I don't know, sir. I have talked with a good many colored men here in town, and they seem to talk sometimes as if they were in favor of that, but they seem afraid of their own color. They said to me they would be afraid to take the persecutions I had taken.

Question. Has any violence ever been used to you by them?

Answer. No, sir. The nearest was, there was speaking out here once at the hall, and a man from Tennessee or Huntsville, or somewhere—Williams—was there, and after the speaking at night they were about to kick up a row, and all got in a crowd together—the soldiers were here at the time—and I got struck, but I don't know who struck me; it was in the night.

Question. Were you at the meeting?

Answer. Yes, sir.

Question. Democratic meeting?

Answer. Yes, sir.

Question. And there was a riot raised there, and you were struck?

Answer. Yes, sir.

Question. Who made the disturbance?

Answer. One of these colored men. I staid at home four months on account of mobs at night; afraid to go to church on that account—afraid of my people.

By the CHAIRMAN:

Question. Do you live in the city or county?

Answer. I bought a little place a year ago just beyond Perry street.

Question. Where have you been living for two or three years?

Answer. In the city.

Question. Were you a body-servant before the war?

Answer. Yes, sir; of Governor John Gill Shorter, who lived in Barbour County.

Question. That is where you learned your democracy—from Governor Shorter?

Answer. No, sir; that was not the place. I thought I was a republican when the ballot was given to the colored people.

Question. You thought you were a republican then?

Answer. Yes, sir.

Question. How long did you continue in that faith?

Answer. About four months.

Question. Do you read and write?

Answer. I can read a little—just learning to read.

Question. What converted you to the democracy?

Answer. When I was defeated in my expectation in getting into the secret organization—the secret society. I was defeated in that—in the expectation I went in with.

Question. What secret organization did you go into?

Answer. The Union League.

Question. You became a member of that?

Answer. Yes, sir.

Question. Did you expect to become an officer of it?

Answer. No, sir.

Question. You had no ambitious designs?

Answer. No, sir; I didn't want any.

Question. How long did you stay in the League?

Answer. Four months.

Question. Did you join as soon as you became a republican?

Answer. No, sir, because soon after emancipation we all were republicans; but the Union League had started, and I was staying in the telegraph office, and friends came to me and advised me that it was a very good thing for colored men to go into, but he wouldn't tell me what it was. I thought—so many of them kept coming that I knew—at the time that the heart of the colored man and white man was sort o' entangled. I knowed the colored man's mind was in enmity to the white race; I thought it would be good to go and join, and get some instruction how to meet the white race in friendliness. We all were living here together, but I was defeated there; it was not that way. They said our old master was our enemy, and wanted to make slaves of us.

Question. Who said that?

Answer. John C. Keffer.

Question. Your constitution did not say that?

Answer. I don't know about that, but our teacher, addressing us, said that, and at the time he spoke that I knew the best friend I had was John Gill Shorter, and I looked around to see some friends and whispered to some friend—I was afraid to talk much—I whispered, "This is not the place, I think, for a colored man." They said, "You are scared." I said, "No. I think this thing is going to do harm." They said, "What makes you think so?" I says, "We have got to live with the white folks, and we will have to take up with strangers, and I will not go back on my old boss, and this won't do." I went over to Eufaula and saw master John, and had a long talk with him.

Question. Was he a good democrat at the time?

Answer. Yes, sir. I told him I wanted him to give me some advice; that we all were free, and I wanted to know now what was the best step for the colored men in this country to get along with the white people.

Question. What did he tell you?

Answer. He says, "I have got two plantations running—one with my hired men, and the other working on shares—and on the plantation working on shares, the middle of the year, before the crop is gathered, if we get triangled I will lose money, and the others will, too; but if we don't, we will all make money. All you colored people are living here with the white race; you make your living out of them, and you ought to keep friends with them. There may be many people coming down here to get office;" and he referred me to the Know-Nothing Society. He says, "You will not say anything to anybody now about such things." I didn't tell him I belonged to the Union League. He

says, "Go on and dictate that for yourself, and vote for the best man. Dictate it for yourself. The law calls upon you to attend to your family as much as me to mine." I came down and whispered to some of the best friends I had around here that I was done with the Union League. They asked me why. I told them it was not the place for the colored man; that I had done taken my decided stand, and would stand with the southern man; that I had to make my living, and I was going to stay with him. He says, "You can't quit the Union League." I asked why. He says, "You have taken the oath." I says, "I am a free man." He says, "You have got to go down there." I said I wouldn't go. Two of them came to me; they said they came after me, and they were going to bring me. I said, "If you will open the door and let me bring ten of my white friends in I will go, and I will tell my reasons." They wouldn't do that. They said, "Come; we will get you an office." I said, "I don't want nothing about that." They said, "The street may come on your children if you keep on that way." I said, "I will have to bear it." They said, "Will you give us your oath that you will not say anything against the Union League?" I said, "I will do this: If they don't interfere with me, I won't interfere with them; but if a friend comes asking my advice, I would advise him like a brother to keep out of it; that's all." They said, "That will not do." I said, "It will do. I'll not tell a lie; and I'll tell them to keep out; I'll not expose it, though, in any other way but to tell men to keep out." Then they all got mad with me. I was the first colored man ever come out in public against them.

Question. How many were there in that colored League?

Answer. I don't know; there was a great many.

Question. You do not know how many?

Answer. No, sir.

Question. Did you ever read its constitution, or hear it read?

Answer. I heard it a good deal, but somehow since I quit I let it all pass off. I never bothered much about it.

Question. There was nothing in the constitution of the Union League that made war on the white race?

Answer. No, sir; that was very well; but somehow I got a distaste against it.

Question. Did your old master tell you you had better vote the democratic ticket?

Answer. He said I must dictate all these things for myself; that men were coming down here to hold office.

Question. Did he tell you to beware of carpet-baggers?

Answer. No, sir; he just told me to be particular who I voted for, and let them be good, honest, upright men, that can understand what to do.

Question. You never could find any right man to vote for since that except a democrat?

Answer. It seems so to me.

Question. You could not find any of your own people fit for office?

Answer. O, no, sir; not in this country.

Question. You do not think there are any of your colored race fit to hold any office?

Answer. No, sir; not a State office. They can make out here as policemen, but they have to stop at that. I am this way: I am in favor of any man holding office, I don't care for his color; but I don't want to throw away my vote on a man who don't know nothing.

Question. Are you in favor of colored schools?

Answer. Yes, sir.

Question. Do you want all the colored children educated?

Answer. Yes, sir.

Question. Are not the democrats against that?

Answer. No, sir, not down here. The leading democrats are in it.

Question. Are all of the republicans in favor of it?

Answer. I believe so.

Question. Are not some persons against it?

Answer. No, sir; not as I know of.

Question. Are all the people here with their hands up for educating the colored children?

Answer. Yes, sir; I believe so.

Question. Then why do they burn down the colored churches and schools?

Answer. I don't know.

Question. Who does that?

Answer. I don't know.

Question. Have you not heard that democrats did it?

Answer. They said so; but nobody knows who it was did it.

Question. You do not believe the radicals did it?

Answer. I can't say.

Question. You do not know who did it?

Answer. No, sir. I only say it was a mighty low-down man that could do such a thing as that.

Question. You have heard of colored churches being burned?

Answer. Yes, sir.

Question. And believed it?

Answer. Yes, sir.

Question. You have heard of Ku-Klux?

Answer. Yes, sir.

Question. And you have heard that they have burned the colored schools and churches?

Answer. Yes, sir.

Question. You have heard that the Ku-Klux have whipped colored people?

Answer. Yes, sir.

Question. And you have heard that the Ku-Klux are all democrats?

Answer. I have heard them say so.

Question. And yet you think it is safer for you to vote uniformly with the democratic party than to go with your own people?

Answer. Yes, sir; I can't tie to my people—to my race.

Question. You have not a good opinion of them?

Answer. My race is this way: I think they want to go further than is really comfortable going for a while.

Question. Do you not think it would be better to have them back again in slavery, and let them have good masters?

Answer. I don't know about that; we all want to be free; not to be tied up. I love it; I think I had a good master.

Question. Do you think the colored people now have sense enough to vote?

Answer. No, sir; not much.

Question. You are not in favor of the fifteenth amendment?

Answer. No, sir; I am not. I believe if that had been put off five years longer my people would have been better off.

Question. If you think it was wrong for the colored race to be allowed to vote, why do you vote?

Answer. I suppose it is a privilege; the colored people say if I was not allowed to vote I couldn't get my rights.

Question. If you do not think the colored man ought to be allowed to vote, do you not also think that these men who challenged you on account of your voting, and called you a "damned rascal," were right?

Answer. No, sir; I think the man that said that was sensible he ought to let me dictate for myself and him for himself, as we are on free soil.

Question. You spoke of a political meeting where Williams made a speech?

Answer. Yes, sir.

Question. He was a democratic colored speaker imported from Michigan?

Answer. He was a speaker from Tennessee brought here from there. I don't know where he was from on the other side of that.

Question. The white democrats brought him here?

Answer. Yes, sir.

Question. They sent for him; did they listen to him?

Answer. Yes, sir.

Question. Did they listen to him with great unction?

Answer. Yes, sir.

Question. Did they clap their hands and cheer him, and hurrah for the colored man's speech?

Answer. Yes, sir.

Question. You saw all the magnates of the democracy there in the hall, listening to this colored orator?

Answer. Yes, sir. That was the first speech I ever made was there.

Question. Were you called in to exhort after Brother Williams had done the important preaching?

Answer. No, sir; I opened the meeting, as I was at the head of the colored club.

Question. Were you greatly applauded by the white democrats?

Answer. Yes, sir.

Question. You left with the idea you had made a great impression?

Answer. I don't know; it's the first time I spoke. They knew I was not an educated man and they were educated people, but I could tell them what I thought.

Question. Were all the leading democrats up there to hear you and your friend Williams?

Answer. Yes, sir.

The WITNESS. Is this General Blair that asks me the questions now?

The CHAIRMAN. No; that is General Blair sitting across the table.

By Mr. BLAIR:

Question. Did you think that such a large, fine-looking man as our chairman ought to be General Blair?

Answer. I don't know about that; but I have some of General Blair's speeches at my house that he made in 1868, and I thought I would like to know him when I saw him.

By the CHAIRMAN :

Question. Have you any that he made before the war?

Answer. No, sir; I was then serving Governor Shorter. It is true I looked at the papers during the war, but I didn't take any interest in the war.

Question. Your republicanism only lasted about four months?

Answer. That was all, sir.

Question. You enjoy favor now with the white democrats?

Answer. O, yes, sir.

Question. They patronize you in your business, I suppose?

Answer. Yes, sir; I am a servant waiting on Governor Lindsay at the capitol.

Question. He is as good a democrat as your old master was, is he not?

Answer. I reckon he is; he appears to be, so far.

Question. And General Clanton befriended you?

Answer. He was a noble son of this State that we belong to, and every time I pass his office my heart feels like I had lost a father.

By Mr. BLAIR :

Question. General Clanton was a real friend of the colored people?

Answer. Yes, sir.

Question. Was he in favor of their education?

Answer. Yes, sir.

Question. The white people pay all the money for the education of the colored people in this State, do they not?

Answer. Yes, sir; with the taxes. We all pay a little tax.

Question. But the white people pay about all the tax?

Answer. Yes, sir; they own the property.

Question. Do they build a great many of these school-houses and churches for the colored people?

Answer. I haven't been out in the country to see how they manage that. I am sort o' skittish about going into the country too far.

Question. Are you afraid of your colored brethren?

Answer. Yes, sir; I don't go out in the country.

Question. If the colored people display that kind of spirit, that hostility to those of their own color who vote the democratic ticket, is it not calculated to arouse a similar animosity or hostility toward them in others?

Answer. O, yes, sir; a great many times I believe if I had taken up—indeed I know if I had taken up things—I would have been a dead man now if I had taken up every time I heard expressions when I was passing attending to my business; but I told them I intended to be a man of God; and I intended it should never be said that Cæsar Shorter opened a riot or mob in Montgomery. But I have taken a great deal more than I expected I would take from my race. I have done it for peace, because I know if I started a riot here there would be a heap of us killed.

By the CHAIRMAN :

Question. All the colored men between twenty-one and forty-five pay \$2 poll-tax, do they not?

Answer. I believe they do.

Question. Does not that go to the education of the colored children?

Answer. That's what I understand; I can't say for certain, because I don't know much about the State matters; but that is what we are told.

Question. Now, Cæsar, is it not possible that because you are the body-servant to the governor of the State the other colored people think you put on some little airs over them?

Answer. No, sir. We were just as friendly, and got along, and I never expected to be treated as I was, until they said I was opposed to my race and tried to put them in slavery; and that was the point with them, that every democrat negro was opposed to his race.

Question. Is not your full name Julius Cæsar Shorter?

Answer. That had been the name, but for short they always called me Cæsar Shorter.

Question. But your proper name was Julius Cæsar Shorter?

Answer. Yes, sir; that was the whole name; but the short way was Julius Shorter, or Cæsar Shorter. Julius Cæsar Shorter was the whole name, but we couldn't carry all that in slavery times. I used to sign my name Peter, because my father was named Peter.

Question. What did you do with the Julius then?

Answer. I didn't pay any attention to that.

By Mr. BUCKLEY:

Question. You never have had any trouble in putting your vote in, have you?

Answer. No, sir.

Question. You have always voted the democratic ticket here, have you not?

Answer. Yes, sir. You see I always tried to take the near cut for peace, and at the time when I went to vote, I didn't have anything to say to any person, but only to go and put it in and walk right off. I wouldn't stop and palaver.

Question. You always voted the democratic ticket?

Answer. Yes, sir; I never voted any other.

Question. The governor has given you a position, which you hold now, up at the capitol?

Answer. Yes, sir; I must lay that to General Clanton. Before the governor came, and after he was elected, I was draying, and he told me he wanted me to wait on the governor, and I told him I would do so.

Question. You never have heard of colored men being taken out at night by disguised men for voting the democratic ticket?

Answer. Yes, sir; I have heard it.

Question. Where?

Answer. Out through the country.

Question. That colored men took out their own race?

Answer. I don't know; they laid it to democrats—white men. They didn't know who did it.

Question. Perhaps you did not understand me. Have you ever known of colored men going out at night and taking one of their own colored people out of his house and whipping him, because he voted the democratic ticket?

Answer. I have seen such as that in the papers; that's all. Where colored men have been taken by their own people and whipped.

Question. In democratic papers?

Answer. Yes, sir; our leading papers; but not about here; it was away off.

Question. You think the colored man is fit to hold the position of policeman?

Answer. There are some few of them so.

Question. Did you ever see a colored man here on the police until we elected a republican mayor?

Answer. No, sir.

Question. You never used to see a colored man on the police under the democratic mayors?

Answer. No, sir.

Question. When you went to consult your former master, he did not say much to you about voting?

Answer. He didn't tell me who to vote for, only I must be particular to know what I was doing.

Question. Was he in favor of your voting at all?

Answer. He didn't say he was opposed to it.

Question. Was he not about of your opinion, that colored folks had better not vote at all?

Answer. He didn't tell me that. He said there would be many of my race wouldn't know how, and would be led by others, and that was not people dictating for themselves.

Question. You say you were rather pleased with your condition of freedom?

Answer. Yes, sir.

Question. Now, Cæsar, do you think a free man can, without the right of voting, protect himself as well as one who does vote?

Answer. Now, I don't know much about that.

Question. How does your race look upon it? Do they not regard the right of voting as a sort of protection?

Answer. They say so; but I can't see why it is to keep them from any protection if they don't vote.

Question. You have not solved that problem?

Answer. No, sir.

Question. You have no trouble here now in expressing your sentiments as you choose?

Answer. No, sir. I am a man who has never any talk on political matters upon the streets with anybody.

Question. While you vote the democratic ticket, you are perfectly willing the other colored men should vote the republican ticket if they want to?

Answer. Yes, sir. I never tried to persuade any one to vote with me. I said every man should suit himself.

Question. You are willing that every man should vote as he wants to?

Answer. Yes, sir.

Question. You do not justify the Ku-Klux for whipping anybody?

Answer. No, sir; I am opposed to any such outrages as that. Let every man dictate for himself.

Question. In regard to this meeting which you attended, and where you spoke, was that a riot?

Answer. It was going to be a mighty riot.

Question. Was anybody hurt?

Answer. Nobody was hurt. I can't think of the general that was commanding here. He had a flax-maned pony, and he had some troops close by, and ordered them, and they scattered over so quick that nobody was hurt.

MONTGOMERY, ALABAMA, October 18, 1871.

CHARLES MAHONE (colored) sworn and examined.

The CHAIRMAN. As this witness has been called by the minority, his examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Do you live here in the city?

Answer. Yes, sir.

Question. How long have you lived here?

Answer. Nearly four years.

Question. What are your politics, Charles?

Answer. My politics?

Question. Which side do you take in politics?

Answer. I have always voted the republican ticket.

Question. Have the people of your color ever shown any violence toward those colored people who vote the democratic ticket?

Answer. Not any great deal. I have been accused of voting the democratic ticket, it is very true, by people in the city, and could have been got in a big row coming down from the capitol one day, if I had paid any attention to it.

Question. You could have gotten into a row if you had paid any attention?

Answer. Yes, sir; to what they were saying.

Question. Did they abuse you?

Answer. Yes, sir. Sam Hareford, he said he could whip any colored man that voted the democratic ticket.

Question. Did he use insulting language toward you?

Answer. He seemed to follow me down the street. Some white men told me to go on down the street. I told him I didn't want any fuss with him about politics; I said my politics was to my own satisfaction, of course, let it be a republican vote or democratic vote; I voted to suit myself.

Question. That did not seem to be satisfactory to him that you should vote to please yourself?

Answer. No, sir; they didn't seem to be satisfied with it at all. I told them if they were not satisfied with them they could go to Aaron Phillips. They said they wouldn't believe me on my oath; that they shouldn't be satisfied with what I should say except Mr. Phillips said so himself.

Question. Did he go to Phillips?

Answer. Yes, sir; I think he did.

Question. Was that the only occasion on which you were insulted and threatened because you were thought to be a democrat?

Answer. Yes, sir; that was the only occasion, I guess; I don't know of any other one.

Question. Do you know any other colored people who are insulted and threatened for voting the democratic ticket?

Answer. No, sir; I don't know any others—not particularly any others.

Question. Is there a general feeling of hostility toward them?

Answer. Yes, sir.

Question. Against those who vote the democratic ticket?

Answer. Yes, sir.

Question. Did you ever hear any threats besides those you have spoken of?

Answer. None against me, that I know of.

Question. Against others?

Answer. I have heard Caesar Shorter abused right smartly for voting the democratic ticket. I have heard people passing through the city—colored people of course—speak of him as a grand rascal, and he had done this and the other.

Question. For voting the democratic ticket?

Answer. Yes, sir.

Question. Are the colored people generally afraid to vote the democratic ticket?

Answer. I don't know, sir; I guess not; I don't know why they should be. I don't know as they are afraid to vote either way when they see proper. I never have seen no great deal. I think, though, if a man was to just vote a democratic ticket right boldly out, and try to get others to go with him, he would be in a little difficulty, to my best knowledge.

Question. You think he would be in danger?

Answer. I think so, to my best knowledge; I think so; I don't know.

Question. You think so from the temper you have seen displayed by the colored people?

Answer. Yes, sir; from the action of the colored people, I would think so. I have a right to think so.

By the CHAIRMAN:

Question. Were you a slave before the war?

Answer. Yes, sir.

Question. Who was your master?

Answer. William Mahone.

Question. Whom do you work for?

Answer. For Tom McCrary, a colored man, on Market street.

Question. How long have you been in his employ?

Answer. About a week now. I worked here in the city for Mr. Kirkland, down here in his shoe-store.

Question. Were you in his employ for some time?

Answer. Yes, sir; about a year.

Question. Is he a white man and a democrat?

Answer. I think he is. I don't know what his politics is, to tell the truth.

Question. Have you talked much with white people upon the subject of your duty in voting?

Answer. No, sir; not a great deal.

Question. Have any white democrats counseled you how you should vote?

Answer. No, sir.

Question. Did General Clanton ever speak to you on that subject?

Answer. No, sir.

Question. Or your old master?

Answer. No, sir. My master is now in Mississippi, at Edwards' Station Depot.

Question. Have you ever voted the democratic ticket at any election?

Answer. No, sir.

Question. Do you prefer to vote the republican ticket to the democratic ticket?

Answer. Yes, sir.

Question. What made your people suspect you of voting the democratic ticket?

Answer. Well, that was reported by my saying at the court-house, when I was voting, that I had some democratic tickets in my hand, and I said, "Here's the ticket that I'm going to vote," jesting; and I had some radical tickets in my hand, and I said, "I believe I will vote this one to-day"—that is, the democratic ticket—and I never gave any satisfaction but what I would have voted that ticket, and they seemed to look pretty angry, in passing by, that I didn't give the party satisfaction. I gave all the country people their tickets so they could vote and go back home. I lived in the city. I said then to Phillips, "Come in here and see how I vote." He said, "Haven't you voted?" I said, "No." He said, "Somebody told me you voted the democratic ticket." I told him I didn't, but I went in and voted the republican ticket.

Question. Who gave you the democratic tickets to distribute?

Answer. I think John Holtzclaw.

Question. Did you tell him you would vote one of them?

Answer. I didn't tell him whether I would or not. I had the ticket, and if anybody wanted to vote it, I had one to give to him.

Question. Did you offer them to any one?

Answer. No, sir.

Question. Why did you take them, if you were not going to distribute them?

Answer. I didn't think it was my place to distribute them.

Question. Was it at that election, or shortly afterward, that Sam Hareford told you he could whip any colored man that voted the democratic ticket?

Answer. I think it was shortly afterward.

Question. You say you have heard Caesar Shorter abused?

Answer. Yes, sir.

Question. They said he was a great rascal?

Answer. Yes, sir.

Question. Did they say he had done this and that?

Answer. Yes, sir.

Question. What did they accuse him of doing?

Answer. They said he was a democrat.

Question. What mean thing did they charge him with doing? You said they charged him with being a great rascal.

Answer. For voting the democratic ticket.

Question. Had they any other cause of offense against him?

Answer. I never heard any other.

Question. Does Cæsar carry a pretty high head on account of being the body-servant of the governor?

Answer. I don't know, sir.

Question. Do not the colored people think so?

Answer. I don't know. I don't think he is very familiar in the city now. I think he stays up there at his business. I hardly ever see him now, but he used to be here.

Question. What is his business?

Answer. He stays up at the state-house; I don't know what his business is; I suppose it is waiting on Governor Lindsay. He didn't say it was this evening, but he seemed to signify it was.

By Mr. BUCKLEY:

Question. The colored people here mostly vote the republican ticket?

Answer. I think they do.

Question. You never heard that Cæsar suffered any violence for voting the democratic ticket?

Answer. No, sir; nobody ever hurt him. They abused him, of course, but they didn't hurt him.

Question. They talked to him a little?

Answer. Yes, sir; that's what we all expect.

Question. You colored people think a colored man who votes the democratic ticket rather goes against his race?

Answer. That's what they generally think. They say so.

Question. But you never heard of any one being whipped or injured in any way, or punished for voting the democratic ticket?

Answer. No, sir; I don't think I have.

MONTGOMERY, ALABAMA, *October 19, 1871.*

IGNATIUS A. FEW sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Opelika, Lee County, Alabama.

Question. What is your occupation?

Answer. I am a butcher, sir.

Question. Where did you live before going to Opelika?

Answer. I lived in Russell County.

Question. In this State?

Answer. Yes, sir.

Question. What was your occupation there?

Answer. I was a teacher most of the time.

Question. Of white or colored schools?

Answer. Colored.

Question. You may state whether you were molested or disturbed in your occupation as teacher.

Answer. I was upon one occasion, at Crawford, seriously molested.

Question. You may give the particulars.

Answer. Shall I tell why they professed to disturb me?

Question. Yes, sir.

Answer. I had commenced to teach a school under a gin-shed, about three-quarters of a mile from Crawford, a small village. I went out among the citizens and tried to purchase a lot upon which to build me a school-house. Captain Healy, who was assistant superintendent of the Bureau, had proffered to pay for that lot and furnish me means to build me a school-house. They refused to sell me a lot. I then rented the hotel, Captain Healy paying for it, and I went into that and taught school in the dining-room. That was in February that I moved into that school-house.

Question. February of what year?

Answer. Eighteen hundred and sixty-nine. After staying in there I consulted the neighbors if they were opposed to it. A few of them, the nearest ones, they said they were not opposed to it upon conditions. I complied with these conditions. A crowd of young men seemed to become very much agitated against me, calling me various

ugly names as I passed about the streets. Finally my first quarter ended for teaching school, and I made my accounts and sent them down to Girard to be paid, and they were paid into the hands of the trustees; not, however, until in June; and when they were paid into the hands of the trustees, who had no right to receive them, they refused to pay them to me.

Question. The trustees did?

Answer. Yes, sir. After examining into the matter, it was found that one of the reports I had made was made from a different district; that half of my pupils were from one district and half from another. I had not specified the number of the reports, but the county superintendent had done it himself. I did not know them, but sent them to him, directing him by Judge Allen, who was the trustee, to fill the reports, as I did not know in what township I was teaching. He did so. They brought then a great many charges against me; that I was trying to swindle the white children out of their money there for the negroes, and trying to create social equality among them; and finally it grew to such an extent that, on the night of the 19th of July, they came to my house—I think they numbered, from the appearance of them where they stood, about five men—and threw twenty-two rocks, weighing, I suppose, from a pound to a pound and a half, through the windows, demolishing the sash, and after that fired into the room several times, two balls taking effect at the edge of one window, within two feet of my wife's head, and one bursting a bottle of ink on the mantel and throwing the ink in my bosom. I jumped out of bed at that instant and asked for my gun, and they fled.

Question. When was this?

Answer. On the 19th of July, in the morning. It was between 1 and 2 o'clock.

Question. Could you see the men?

Answer. I did not see any person. When I went out, I found my garden palings were also torn down.

Question. Were any prosecutions instituted against the offenders?

Answer. I wrote to the governor to send me assistance, and he wrote to me it was my imperative duty to call upon the sheriff and solicitor, and if they did not discharge their duty he would then force them to do it; but I was afraid to call upon them.

Question. Why?

Answer. Because I believed that they were in sympathy with the others; that I had no friends at all there.

Question. Were the sheriff and county solicitor democrats?

Answer. I think they were, sir, both democrats; in fact, I know they were. I can give the names of them if it is necessary.

Question. Did these men who stoned your house and fired into it tell you what their purpose was?

Answer. I have no knowledge who they are myself. I was told I could prove it if I would call for certain witnesses. I never knew anything. I and my wife were asleep, and a small boy, in the room they threw and fired into. All the firing was done in the tumult. We were asleep when they began and until the rocks commenced flying into the house.

Question. Did not these men tell you what they were doing this for?

Answer. They never spoke a word; they came up and commenced the work, and ended it and left.

By Mr. BUCKLEY:

Question. Do you know whether they were in disguise or not?

Answer. I do not.

By the CHAIRMAN:

Question. You were living at that time in Crawford?

Answer. Yes, sir; in Crawford, Russell County, Alabama.

Question. Was it a thickly settled neighborhood where you lived?

Answer. Not very; just moderately.

Question. Do you know of any cause for this assault on your house?

Answer. I do not know of any cause; I could only consider it a political cause. The object was, I think, to break up the school, and get me out of the way.

Question. Were you teaching at that time?

Answer. I was teaching at that time. I taught the day before and the day afterward.

Question. Still a colored school?

Answer. Yes, sir; it was continued in the same house.

Question. Did you continue to teach after that?

Answer. I did, sir, until I ended my school in November.

Question. Were you ever molested by anybody again?

Answer. Only by a few rocks being thrown into my yard, and such things as that, and into my house at day-times; that was done mostly by boys though, lads. I would

just state that next morning after that occurred, I went out among some of the good citizens there, and told them plainly that there was but one way to break up my school, and that was to kill me; that I never would leave until my term was out.

Question. What did they say in answer to that?

Answer. One gentleman said—but I do not consider him a man who had any influence in society—I would be killed if I did not leave; others treated it coolly; generally, in fact, they all treated what I said coolly.

Question. Did any of them give you assurance of protection?

Answer. I had no assurance of protection until, several days afterward, perhaps a week or two, Judge John A. Lewis came to me and offered to let his wife and daughter sleep in my house, and I refused such protection, and told them I would try and stand it out from that time.

Question. How large a village is Crawford?

Answer. I suppose there are two hundred inhabitants.

Question. Were the citizens generally of that village, the white portion of them, opposed to colored schools?

Answer. From all appearances, they were.

Question. You say from appearances; what appearances do you refer to? What did you hear them say? What did they do?

Answer. Well, their mistreatment; they scorned me, and would not visit me or associate with my wife or anything of the kind. My wife, who was a member of the church, did not visit the church during the year.

Question. How long did you remain at Crawford?

Answer. I went there in August, 1868, I think, and remained there until the last day of 1869.

Question. Were the people of Russell County opposed to colored schools, in your opinion?

Answer. Well, I think they were very generally.

Question. What influence, if any, was exerted in that county upon the negroes to induce them to abstain from going to the polls and voting?

Answer. Upon the occasion of the election we had in 1869, I cannot state, because I had nothing to do with it, and did not go out; I did not pretend to associate with the last people at all; never left home unless it was to go off somewhere on business; in the election I was living at Traywick's Cross-Roads; there was an election there, I think, in November, and such threats were made for me, that the negroes declined to vote, any of them. What occurred at the election I do not know. I lived, I suppose, within five hundred yards of the election precinct, and a great many negroes came down and asked me to go up with them to the polls and see them vote. I told them I could not do it, and they went away without voting.

Question. They went away without voting?

Answer. The polls showed that they did.

By Mr. BLAIR :

Question. What election was that?

Answer. The election for members of the legislature.

By Mr. BUCKLEY :

Question. In 1870?

Answer. In 1870.

By the CHAIRMAN :

Question. Why did you not go to the polls yourself?

Answer. I was afraid to go there, for fear of being molested or insulted.

Question. What cause of fear had you?

Answer. I expected perhaps I might be beaten, or cursed, or abused, at least cursed and abused, for I never went out anywhere but what I was cursed and abused by any man that had whisky, and they had plenty at Traywick's Cross-Roads.

Question. What threats had been used?

Answer. Mr. Richard Buchanan told me that I would be killed because I said I would not vote for Mr. Hines, who was the nominee of the democratic party. I will just state that he was drinking at that time,

Question. Were there any other threats made, or any that came to your knowledge?

Answer. I was told at that time—there were never any threats made to me—but I was told by some colored people that if I went to the election I would be killed.

Question. Did they tell you how they derived their information?

Answer. They did not that I now recollect, but advised me not to go.

Question. You say a great many colored people refused to go to the polls and vote because you staid away?

Answer. Yes, sir.

Question. And you staid away because you thought your life was in danger in case you went and voted?

Answer. Yes, sir.

Question. Now, who were these men who deterred you from going to the polls; were they democrats or-republicans?

Answer. There were no other white men in that country but democrats that I knew.

Question. How much less at that poll was the negro vote than it would have been if they had all voted?

Answer. I think at least fifty or sixty.

Question. Were you pretty well acquainted with Russell County?

Answer. My knowledge was confined mostly to the upper portion of the county, though I was acquainted about Silver Run and Crawford, and the precinct I spoke of. I have lived in the county twenty years; that is, I moved to it twenty years ago, and have lived out of it some time during that time.

Question. Are the white people of Russell County opposed to negro suffrage?

Answer. I think they are, sir.

Question. What have you heard them say?

Answer. I have heard them say they were generally opposed to it.

Question. Are you of opinion that they use their influence, habitually, to prevent, so far as they can, the colored people from voting?

Answer. I think they do. That is my opinion.

Question. Where allowed to vote, how do the negroes generally vote?

Answer. They vote by ballot, as others.

Question. What ticket, republican or democratic?

Answer. They almost entirely vote the republican ticket.

By Mr. BUCKLEY:

Question. Was this a public school you were teaching at the time the assault was made?

Answer. Yes, sir.

Question. Who was your county superintendent of education?

Answer. It was Captain Edmunds.

Question. You received your pay from the county superintendent?

Answer. Yes, sir; what I did receive, I received through the county superintendent.

Question. From the public school fund of the State?

Answer. Yes, sir.

Question. Did he ever take any action in regard to the assault that was made upon you?

Answer. He did not.

Question. Have you heard of any other schools in your county, or Russell, being disturbed?

Answer. I have not, sir.

Question. Were you in that county at the time of the election of Judge Heflin, in 1869?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Is Silver Run in Russell County?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Are you a native of the South?

Answer. Yes, sir; I was born and raised in Georgia.

By Mr. BLAIR:

Question. Did you know who it was that molested you, at that difficulty?

Answer. I really did not.

Question. You can form no idea who it was?

Answer. Yes, sir; I can form an idea who it was.

Question. Who do you suppose it was?

Answer. I supposed it was five young men, two by the name of Baker, one Lewis, who was a postmaster there at that time, and one by the name of ———; he was a recent comer; I do not remember his name at present; the other was Judge Waddell's son, Nash Waddell. Those were the ones I supposed it to be. They did not deny it or acknowledge it. One of the young men left the country; the others laid out for several days, and did not come about town, to see them as usual at their common places; all of them did, in fact; the postmaster closed the office.

Question. You say Lewis was postmaster?

Answer. His name was Lewis. We had a tri-weekly mail. On the days of the mail he would slip in and open the office, and leave immediately. Another reason I believe it was him was, a negro boy told me he was at their house, my nearest neighbor, Mr. Sears, and that the balance of them, naming them all, had said they were going to my house to kill me, and asked a young man who was Mr. Sears's brother-in-law to go with them,

and he refused. He named every one of the men I have named. The other young man's name was White; I now recollect it.

Question. Did you lay any information against them, or attempt to have them arrested?

Answer. I sent to the governor, as I before stated, to have them arrested or send me some assistance, and he declined, and referred me to the sheriff and county solicitor, and I was afraid to attempt it in that way.

Question. Who was governor at the time?

Answer. Governor Smith.

Question. You say Judge Lewis offered to protect you?

Answer. He offered to bring his wife and daughters to sleep in my house for protection, some time afterward.

Question. Was this Lewis, the postmaster?

Answer. No, sir; this was Judge John A. Lewis. They were no relation at all.

By the CHAIRMAN:

Question. You have named certain persons that you supposed to be the ones who fired into your house, and given your reasons for supposing they were the ones; you may tell the committee what political party they belonged to.

Answer. They belonged to the democratic party.

Question. Were they leading, influential men there?

Answer. No, sir; they were the men that did the dirty work.

Question. You say a son of Judge Waddell was one of the number?

Answer. Yes, sir.

Question. Does he belong to a respectable family?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Is he probate judge?

Answer. He was formerly probate judge of Russell County, and colonel of a regiment of artillery in the confederate war.

Question. Did you leave Russell County because of your apprehension of danger if you remained there?

Answer. I did. The day I came to Opelika for the purpose of moving, my wife begged me, with tears, to leave there.

Question. Have you ever been disturbed on any other occasion?

Answer. No, sir; on no other occasion. I have been abused when I was at public places, cursed and called a radical, &c.

By the CHAIRMAN:

Question. Did you ascribe this persecution you were subjected to in Russell County to the fact that you were a radical, and outspoken in your sentiments, and the further fact that you had taught colored schools?

Answer. I am satisfied that was it. I was popular as a man, and tried to convince the people of Russell County that I was not a radical; I never have voted a radical ticket in my life, and after all that, they persecuted me, and called me a radical, and "half nigger, half Yankee," and all such persecutions and slings at me as I passed the street.

Question. Do you think this was countenanced by the older men of the community?

Answer. I think they could have prevented it if they would; yes, I believe they could, for I heard them on one occasion when I went out to protect my children—these negro children—when this same son of Judge Waddell was throwing stones at them, and Judge Waddell was there. He drew his knife on me.

Question. Judge Waddell did?

Answer. His son did, and came up to me to cut me, and I could only prevent it by taking out mine, and telling him if he took another step I would cut him in two. I heard another gentleman remark, as he turned to go back to the house, that he would like to give me a good hickory stick.

Question. The judge's son said that?

Answer. No, sir; this gentleman in company with others. There is one thing I had forgotten to tell, the committee might want to hear.

Question. What is that?

Answer. After this persecution, throwing rocks and shooting, they brought the charge against me that I was trying to create social equality there, and that I had stolen this money. I went to some of the prominent citizens there at that place, and told them I was not guilty of it; that it was then vacation, and if they would sustain the charges I would not open my school again. They asked me how long I would give them. I told them I would give them whatever time they required that was reasonable. They took until the next Friday. That was on Friday, I think, when I had this conversation. On Sunday, at meeting, the minister got up, and said that I had proposed that a committee of five meet me, and it was honorable, and as much as any gentleman could

offer; that if I did not prove the charges false, I would desist from teaching school, and some of them remarked to him, if the charges are proven, he will not break up his school. He said to them, "He will, for he offers to bind himself to do it by oath, if you require it." And he said, "Now, I advise you to accept it, for he is a pretty sharp fellow, and if you do not do it, it will injure Crawford, injure the citizens of Crawford." And upon that they appointed a committee of five, consisting of—let me remember the names—Captain Brinson, Henry Benton, Judge Waddell—I cannot remember the other names. The committee met, and Mr. Hayes reported to me after they had met on Friday morning, that they refused to meet me as a committee, but they would meet me as citizens. I agreed to meet them as citizens at the court-house. I took my wife and repaired to the court-house. When I was up there, they told me they would hear me, and I got up and denounced those who had maltreated me in the way they did, and then denied the charges, and told them if they would prove them I would do what I said—my school should never open again in Crawford; I would move immediately away. After making these remarks, the Rev. Mr. Hayes got up, and remarked that there was another charge brought against me; that I was charged with trying to create social equality among the negroes. I told him it was a lie, and the origin of it was in hell. Judge Waddell sprang up out of the window and told me I should take it back. I told him I never would do that while there was breath in my body. He then remarked to me, "You shall not call our old father a liar." I said to him, "I am so far from it, I would get on my knees to him before I would insult him for any cause, but I merely give the man the lie who made those statements. Mr. Hayes did not understand me so, did you?" He replied he did not. "No," said I, "nor Judge Waddell did not." At that, Judge Waddell got up and made a very flaming speech to the colored people against the party he supposed I belonged to. He told them they ought to be in slavery; he had fought four years to put them there, and they ought to be there now.

Question. Did they offer any proof of the charges they had made against you?

Answer. Not a particle of proof; they did not pretend to.

Question. What was meant by the charge brought against you that you were in favor of negro equality?

Answer. Judge Waddell passed my house, I was informed afterward, in company with Mr. Benton, and a negro girl was sitting in the room with my wife, a girl I had had in my house since she was five years of age. She had eaten in my dining-room and slept there since she was five years old, until she was free, and she came down there from her mother home on a visit, and was sitting in the room talking with my wife, and Judge Waddell came by. When negroes came into my house, they were as respectful as to any citizen in that place. I told them they must be even more respectful with me, and they never dared approach after that nearer than the back portico of the house, even when on business.

MONTGOMERY, ALABAMA, October 19, 1871.

JOHN M. WARD sworn and examined.

By the CHAIRMAN:

Question. State your occupation and place of residence.

Answer. West Point, Georgia; postmaster.

By Mr. BUCKLEY:

Question. You live near the line of Alabama?

Answer. Yes, sir. I did live in Chambers County, Alabama, up to last Christmas.

By the CHAIRMAN:

Question. Is West Point near the line dividing Alabama from Georgia?

Answer. Yes, sir. My former residence was in Bluffton, Alabama. A mere imaginary line divides the places.

Question. You may state to the committee any acts of violence or outrages upon person or property that have occurred in that section of country that you know yourself or of which you have been informed by reliable authority.

Answer. Since when, Senator?

Question. I will not confine you by my questions; anything within the last two or three years.

Answer. A day or two after the election last fall for members of Congress in Alabama, Mr. Robert W. Richards came into the post-office while I was distributing the mail. He walked up to the post-office and cursed and abused me, in company with a crowd of men.

Question. What did he say to you?

Answer. He called me a damned radical son of a bitch, and epithets of that character.

Question. Who was this Robert W. Richards?

Answer. He is a dry-goods merchant in West Point.

Question. What are his politics?

Answer. Democratic. Chambers County, Alabama, is his residence.

Question. Is he a prominent and active man in that county?

Answer. I cannot say he is prominent; he is an officious member of it. He is a partner of the mayor of the town.

By Mr. BLAIR:

Question. Of what town?

Answer. Of West Point, in the dry-goods business.

By the CHAIRMAN:

Question. Were these remarks caused by your activity at the election?

Answer. Yes, sir.

Question. He took offense at that?

Answer. Yes, sir.

Question. You had done nothing else?

Answer. It was on account of that election.

Mr. BLAIR. This is outside of our jurisdiction, and in the State of Georgia. This subcommittee is confined to the States of Alabama, Mississippi, and Tennessee.

By Mr. BUCKLEY:

Question. Is not the post-office located in Alabama?

Answer. No, sir; the post-office is in Georgia, but my residence at the time was in Alabama, about half a mile from the post-office.

By the CHAIRMAN:

Question. Does the State line run through the town?

Answer. Yes, sir. I will say that most of the business men in West Point, Georgia, reside in Alabama.

Question. Were you abused at any other time on account of your politics?

Answer. I might or two after that a torchlight mob visited my house.

Question. A torchlight procession of what party?

Answer. The democratic party.

Question. What did they do?

Answer. I was partially undressed. My wife had not retired. They surrounded the house, and used all kinds of abusive epithets, and so alarmed her that she ran out in the piazza and up-stairs.

Question. State the epithets they used, as well as you remember.

Answer. Some voices in the crowd said; "Go back in the house, you damned radical bitch."

Question. What else?

Answer. About that time some one in the crowd, I think Mr. Robert Chisholm, rose up or called out in a loud voice, and asked them to respect ladies. They quieted down and moved off.

Question. Is that all of it?

Answer. They used many epithets toward me around the house.

Question. Can you repeat some of them?

Answer. "Radicals, to your holes!" "You had better leave town;" and many things of that character.

Question. How long did the crowd continue there?

Answer. I suppose they were around the house some five or ten minutes.

Question. They were celebrating a democratic victory?

Answer. Yes, sir, in the State of Alabama. Caricatures were carried by, obscene caricatures were carried by, by colored democrats, of myself and also Mr. Isaac Hyman.

Question. So there were colored democrats in the crowd, were there?

Answer. There were two, who bore the caricatures on that occasion.

Question. Did they seem to be in full fellowship with their white brethren?

Answer. Yes, sir; they had been made presents of fine suits of clothes. One of them who is a mechanic received a tool-chest. They got that for their labor on the occasion.

Question. Did those two colored men in that procession comprise the full strength of the democratic colored vote in that neighborhood?

Answer. My opinion is, that it would not exceed ten or a dozen democratic colored men. I cannot say, though, how many.

By Mr. BLAIR:

Question. Most of the colored people were entirely too intelligent to go for the democratic ticket, were they not?

Answer. I cannot say, sir. I suppose that they vote, like every one else, according to the best of their judgment of what is right.

By the CHAIRMAN:

Question. You may state, if you know, what means were employed by the democrats of that part of the State to prevent colored men from voting the republican ticket.

Answer. I have heard some of the farmers of the vicinity say they would not employ hands another year who voted the radical ticket, and that when they hired them hereafter that was to be in the contract.

By Mr. BLAIR:

Question. Did they borrow that idea from the New England manufacturers?

Answer. No, sir; I got that idea from Mr. James, near West Point. He was a democrat. I don't know where he got his idea.

Question. I ask you whether he did not borrow it from the northern manufacturers, who make all their men vote the republican ticket?

Answer. I do not know, sir, where he borrowed it from.

Question. You have heard of that practice up there, have you not?

Answer. I never have been North in my life.

Question. I ask you if you have not heard of that practice up there?

Answer. I do not remember that I ever heard of that particular practice. I know, of course, that, generally speaking, there are all kinds of arts and devices used by designing politicians in all parties.

By the CHAIRMAN:

Question. Did the negroes as a general thing vote at the election last fall?

Answer. In Alabama they did, sir. The election occurred in Georgia about a month after the Alabama election.

Question. Are the democrats in that part of Alabama opposed to negro suffrage?

Answer. Yes, sir; they so express themselves to me.

Question. Are they in favor of getting rid of it now, if they can?

Answer. They are not very ready to express their future plans. They often, in speaking of republicans or radicals, as they call them, will ask me the question, for instance, if I am in favor of negro rule. If I tell them no, which I am not, they then ask me how I can vote with the republican party, which gives them the privilege of voting. I tell them I do it upon the broad ground that every man is a freeman, and in a republican form of government I think is entitled to the franchise. They will generally say, "Well, we are not in favor of negroes voting or ruling us."

Question. What are their sentiments in relation to colored schools?

Answer. I think within the last six months they have moderated very much. I think they are now in favor of educating the colored children.

Question. Were they formerly opposed to those schools?

Answer. I think, sir, they were opposed to any advancement of the colored population; they were disposed to keep them as mere serfs.

By Mr. BUCKLEY:

Question. Was any attempt made to burn your house at the time the assault was made upon it by this torch-light procession?

Answer. No, sir; I heard they threw a torch-light under Mr. Hyman's house.

Question. Did they make the assault upon Mr. Hyman at the same time?

Answer. Yes, sir; they visited his house first and then mine. We were about three hundred yards apart.

Question. The same night?

Answer. Yes, sir.

Question. You were informed that they attempted to burn his house?

Answer. That they threw a torch-light on his house or on the piazza.

Question. Did you know of any similar occurrence in the county of Chambers?

Answer. Mrs. Randall, who was teaching a colored school near Fredonia, Alabama, about a month before the election last fall, came down to West Point, and told me that a party of disguised men, or a party of men—I do not think she said disguised—visited the yard of the house in which she was living, and in which resided a colored man and his family by the name of Trammel.

Question. What was done on that occasion?

Answer. They abused him and finally killed him by shooting him. After killing him they went to the bedstead where his daughter was lying, and took their knives and cut her vest all to pieces, and ordered her to leave, and she left at night about 10 o'clock.

Question. Did they kill Trammel or Trambles?

Answer. Yes, sir.

Question. Did they break up the school?

Answer. Yes, sir; she left. They all had to leave, and she left.

Question. What cause did you hear assigned for this assault?

Answer. They accused her of teaching radical politics, and so on.

Question. Were you acquainted with Mrs. Randall?

Answer. Yes, sir ; she formerly taught a colored school in Bluffton, Alabama, previous to going there.

Question. Where did she come from ?

Answer. She came from some part of Georgia. I think from Merriwether County, Greenville, Georgia. She was the divorced wife of Dr. Randall.

Question. Had she been successful in her school at Bluffton ?

Answer. Yes, sir ; she had been undisturbed there.

Question. Was she teaching a public school at the time ?

Answer. She was near Fredonia. Her school in Bluffton, Alabama, was a private school.

Question. Did this colored family furnish her with her meals ?

Answer. Yes, sir.

Question. Was she living in a portion of the house ?

Answer. I never was on the place. She said she was living in a house that was built in the same yard, and built especially for her by a Mr. Trammel, the former owner of this colored man.

Question. Mr. Trammel, then, was in favor of the school ?

Answer. Yes, sir ; I think so.

Question. Do you know whether these parties were ever arrested ?

Answer. No, sir ; they were never arrested.

Question. Was any attempt ever made to bring them to trial ?

Answer. There was a coroner's inquest held, so I heard ; of course, I was not present ; and their decision was that he was killed by parties unknown. Mrs. Randall said that she knew two of the parties, and they lived near Fredonia, or in Fredonia.

Question. She finally abandoned her school ?

Answer. Yes, sir ; she never returned. The last I heard of her she was in Americus, Georgia.

Question. Have you heard of any other similar transaction in that county ?

Answer. Not that I remember of ; not of an aggravated character.

Question. Do you know of any disturbance that took place at a public meeting in La Fayette, the county seat of Chambers County ?

Answer. Yes, sir ; I was present at a republican mass-meeting.

Question. Please state what occurred there.

Answer. Mr. Rapiér, who was the colored candidate for secretary of state on the republican ticket, had commenced to address the audience. He was frequently interrupted at the commencement of his address by a colored man. The marshal of La Fayette attempted to arrest him. He broke and run.

By the CHAIRMAN :

Question. Who broke and run ?

Answer. The colored man. He proceeded some distance out of my sight through the woods, firing at him with a pistol, and finally he shot him down. It broke up the meeting. There were many prominent republicans there to speak on the occasion, and in consequence of the excitement they were unable to address the meeting.

By Mr. BUCKLEY :

Question. Knowing the public sentiment of Chambers County, do you think republicans are safe in advocating their principles in that county ?

Answer. Not with that freedom—not with perfect freedom, I will say. They are not safe to speak with perfect freedom—only in moderation. If they were what was called very moderate republicans, they might be tolerated. I think they would be.

Question. Do you think republicans there are allowed to cast their votes without fear of intimidation ?

Answer. No, sir ; they are not. The day of the last election, while at the polls, Mr. Robert W. Richards would frequently, speaking in an insulting manner, say that he would rather vote for the damned meanest negro in the country than for Ward or for Hyman.

By Mr. BLAIR :

Question. The marshal attempted to arrest this negro, you say, who was interrupting Rapiér ?

Answer. Yes, sir ; he attempted to arrest him and knocked him down, I think, with a club, and then the negro jumped up and ran.

Question. And then he shot him ?

Answer. Yes, sir ; after pursuing him a short distance.

Question. And killed him ?

Answer. Yes, sir.

By the CHAIRMAN :

Question. Was that the marshal of the town ?

Question. Yes, sir ; not of the meeting.

By Mr. BLAIR:

Question. Who was this marshal; what is his name?

Answer. I do not remember his name just now, sir.

Question. Rapier, who was speaking, was a colored man?

Answer. Yes, sir; the candidate for secretary of state of Alabama.

Question. A republican candidate?

Answer. Yes, sir.

Question. The negro interrupted him?

Answer. Yes, sir.

Question. Several negro men interrupted him?

Answer. No, sir; only one.

Question. What did he say?

Answer. I do not remember that I heard. It was loud talking, "That's not so," or something of that kind. I do not remember his exact language.

Question. He was then knocked down with a club by the marshal?

Answer. Yes, sir; by the white marshal of the town of La Fayette.

Question. And then shot dead?

Answer. Yes, sir.

Question. That does not look as if there was much intimidation by democrats on that day.

Question. I do not know the politics of the colored man that was killed, sir; I understood that they were democratic.

Question. The intimidation was rather on the other side, was it not, in that instance?

Answer. I cannot say, sir.

Question. You could not express an opinion about that?

Answer. I knew nothing of either the marshal or the colored man. It was the opinion of the colored men generally that it was done to disturb the meeting.

Question. Would not the knocking him down and driving him off with a club probably have been sufficient punishment for an interruption of that kind of a public meeting?

Answer. I do not know whether the circumstances would justify him in knocking him down or using such harsh means as he used.

Question. Knocking him down certainly did not justify him in killing him?

Answer. I think not.

Question. That is not a circumstance which goes to show that colored men are intimidated by democrats?

Answer. That was the opinion of the colored men on that occasion, that it was interference with a republican meeting.

By Mr. BUCKLEY:

Question. Who was this marshal?

Answer. I have forgotten his name. I heard it at the time, but I never knew him.

By the CHAIRMAN:

Question. Do you know his politics?

Answer. I understood he was a democrat.

By Mr. BLAIR:

Question. Who shot a democrat for interfering with a republican meeting?

Answer. I heard two different tales about the negro. Some negroes said he was a democrat, some said he was a republican.

Question. And you heard that the marshal was a democrat?

Answer. Yes, sir. I never knew the negro. I think the negro was intoxicated on the occasion; he looked so, and I heard also that he had been drinking.

Question. Was anything ever done to punish the marshal for this?

Answer. I understood not. I have visited La Fayette several times since, and I have seen him walking about there, and have heard that nothing was ever done with him.

By Mr. BUCKLEY:

Question. Why was the meeting abandoned?

Answer. In consequence of the excitement that grew out of the killing of the negro.

Question. Was there any threatening demonstration afterward?

Answer. A great many whites from La Fayette came there to the crowd and remarked that if any such meeting was ever gotten up again they would kill the leaders of it, such men as Powell and others. Powell was the minister of the colored church there and the chairman of the meeting.

Question. And in view of those threats the meeting was abandoned after this occurrence?

Answer. Yes, sir.

Question. So that there was no speaking?

Answer. No speaking. Late in the afternoon the crowd quieted down and there was some little speaking. I think Mr. William V. Turner, of Wetumpka, made a few remarks some four or five hours afterward to a few. There were probably three or four hundred left of the fifteen hundred that had been there, I suppose. Mr. William V. Turner got up and made a few pleasant remarks to those who were left.

By the CHAIRMAN :

Question. Was it supposed that the marshal who inflicted this punishment upon the negro designed to interrupt and break up the meeting?

Answer. That was the supposition among the colored men who expressed their opinion to me. It was not my own opinion.

Question. What justification was there for his pursuing the negro into the woods when he had left the house and ceased to disturb the meeting? What pretext was there for running after him and firing upon him?

Answer. The meeting was in a grove, not in the house. In my opinion, I did not think there was any pretext, and that in pursuing him he pursued him perhaps from the excitement of the moment.

By Mr. BLAIR :

Question. I understand you to say that the negro interfered with and interrupted the meeting?

Answer. Yes, sir; he interrupted the speaker by replying to him or saying that such a thing was not so.

Question. And that the negro was drunk?

Answer. Yes, sir; he looked intoxicated.

Question. That the marshal attempted to prevent this interruption, and interfered to arrest the negro who made the interruption?

Answer. Yes, sir.

Question. And knocked him down, and then pursued him and killed him?

Answer. Yes, sir.

Question. And that the negro was a democrat?

Answer. I heard some negroes say he was a democrat, and I have heard some say he was not. I am not able to say what he was; I do not know.

By the CHAIRMAN :

Question. Were there many whites present at that meeting?

Answer. No, sir; I suppose some twenty-five or thirty.

Question. Were they democrats?

Answer. About half of them, I presume, were democrats.

By Mr. BLAIR :

Question. None of them interrupted the meeting, did they?

Answer. No, sir. Mr. Holmes, John F. Holmes, the editor of a La Fayette paper at the time, was there. I invited him myself to take a seat on the speaker's stand, which he did. He afterward published a piece giving a description of the affair, in which he spoke of me as trying to allay the difficulty. He said that I made a strong effort to allay and quiet the affair.

By Mr. BLAIR :

Question. What was Rapier saying at the time he was interrupted?

Answer. I don't remember positively; it was upon general things. His ideas were general at the time; it was upon the general policy of the republican party.

By Mr. BUCKLEY :

Question. Did I understand you to say that the colored people who were there on the ground were of the opinion that the arrest of this man was made as a pretext for breaking up the meeting?

Answer. That was the opinion of many of the colored men.

Question. The most of this audience was colored people?

Answer. Yes, sir; of fifteen hundred present, I do not suppose there were over twenty-five or thirty white persons.

Question. They had got together two or three colored orators to address them?

Answer. Yes, sir; Mr. Rapier, Mr. William V. Turner, of Wetumpka; Major Norris, the candidate for Congress, was invited, and was present and addressed them.

Question. I understand you to say that Mr. Rapier did not speak long?

Answer. No, sir; he had not spoken more than five or ten minutes.

Question. There was no other speaking until late in the afternoon, some four or five hours afterward, when Mr. Turner made some remarks?

Answer. There was no other speaking. That broke up Mr. Rapier's speaking.

By Mr. BLAIR :

Question. Do you know this woman Randall?

Answer. I knew her some several months before she went to Fredonia to teach school.

Question. You say she was the divorced wife of some one?

Answer. Of Dr. Randall, once grand master of the lodge—of the Masonic Lodge of the State of Georgia.

Question. What was her character?

Answer. I never heard anything against her character, so far as virtue is concerned.

MONTGOMERY, ALABAMA, October 19, 1871.

JOHN M. BUTLER (colored) sworn and examined.

By Mr. BUCKLEY :

Question. Will you state your residence and occupation?

Answer. Tuskegee, Alabama; I am a minister.

Question. Of the Methodist Church?

Answer. Yes, sir.

Question. The object of the committee, Mr. Butler, is to ascertain to what extent the laws are executed in Alabama, and to what extent life and property are safe here. We wish that you would state to the committee any disturbances that have occurred in your neighborhood, of which you know of your own knowledge, or upon such information as you deem reliable. This investigation covers a space of two or three years, as the occurrences have taken place.

Answer. I have been in Tuskegee for going on six years. This last gone June was a year ago, and the 4th of June. The first disturbance that I had any particular knowledge of was the so-called riot of Mr. James H. Alston.

Question. Will you give the particulars of that affair?

Answer. They had a meeting over to my church, where they had formerly met, having nowhere else, and on that night I was not with them. There was some disturbance took place at the church, and my residence not being very far from the church—I was pastor—it called my attention. There was a little disturbance among the men down there, talking a little louder than I thought was right. I went down to the church to see what was the circumstances, and I was informed that it was a little talk between the men, the parties, the colored men of the church, and I went back home. After that the meeting broke up and they all retired home. I went to bed, and in about an hour, I reckon, after I got to bed there was an alarm. A little girl at my door, from Mr. Alston's residence, was crying for help, that Mr. Alston and wife was shot, as I could understand it. I got up, but my wife would not permit me to go out. I did not know hardly what was the matter; everything appeared to be excited right then. That excitement continued until day, after which time it circulated around in the surrounding country. The friends of Mr. Alston, the colored people, of course, thought that he would be killed, and they came to assist him, I suppose. They passed my house in squads, a good many of his friends, and some would speak a word to me as they passed on. Making some little inquiries where they were going, I learned that they were going to Mr. Alston's. They had heard he was murdered, or shot, or assassinated, and they were going to protect him. That continued, and they went to work as best they could, and, from what I know, several of the colored men came down here, some afoot, at night, to see the governor, and I saw them on their return. They came back with advices that they must try to do the best they could to protect themselves; that they had a right to protect themselves, or something like that, and they continued to protect Mr. Alston. The white citizens got a little alarmed and they armed themselves. Everything was in a roar of excitement. I tried to stay as close as I could. I did not know what would take place. Then the governor came up. After the governor came up and made a little speech—I did not hear it at all, but I saw what followed—there was a patrol gotten up there then of whites that I cannot tell the number of exactly; but I never saw such excitement in all my days in time of peace. I did not know whether to stay at home or not, everything was so excited. The colored men were arrested in every direction and taken up, those who knew anything and those who did not. I do not know how I escaped; I cannot tell how I did escape. I had nothing to do with it anyway, more than I have told you about. I advised a little as to peace. The white friends then took me in their midst to try to keep down what they called the riot, to advise the people as to the best. I did what I could to advise them when I saw it was necessary, the men who were protecting Mr. Alston, as they thought, to not make any more threats than they possibly could or carry their arms out, those that were there to protect him. I did what I could in that direction. There was nobody killed, except Mr. and Mrs. Alston were shot.

Question. How many shots were fired that night at his house?

Answer. The night they shot I could not tell; they just all went off at once.

Question. How was Alston shot?

Answer. I do not know.

Question. Who fired the shot that struck him?

Answer. There was one shot, and then the others fired afterward, so I was informed, and they said the firing was from the outside, from white gentlemen; all the colored people were around.

Question. Could you see the party that made the attack?

Answer. No, sir; my house was a quarter of a mile off.

By Mr. BLAIR:

Question. You are now speaking of the subsequent attack on the church?

Answer. No, sir; I am speaking of the so-called riot a little over a year ago.

Question. Of the time when Alston was shot?

Answer. Yes, sir; he was then representative of the county.

By Mr. BUCKLEY:

Question. How was Alston injured?

Answer. He was shot in the back as he was sitting upon his bed smoking his cigar. He was shot in his back and the left side.

Question. Were the rest of his family injured?

Answer. Yes, sir; his wife now has a shot in the foot. She was then in the family-way, soon to be delivered. She was lying in bed, talking with him. He had just undressed to go to bed.

Question. Do you know what cause was assigned for this attack on his house and family?

Answer. I do not.

Question. Did you ever hear it stated?

Answer. I have heard so many different tales, I never knew what to do with any of them.

Question. Have you ever formed an opinion in regard to them?

Answer. Well, no, sir; I never have.

Question. Were any of the parties arrested?

Answer. Yes, sir; some three or four colored men, who differed a little that night in their debates in the meeting.

Question. Was there an attack made subsequently to this on the church?

Answer. I will come to this now. I have got through the other riot, with Alston. Now, the 3d of this month one year ago, on Monday, there was speaking at Tuskegee, Judge Rice and others, and all before that up to October there had been regular patrol of the white friends, after Alston's riot, and some of the men broke jail and they searched it, and everything put together kept the excitement up all the time. I was perfectly quiet in my feelings as to the patrol. I did not think anybody was going to hurt me. I had the regular official board meeting for the purpose of transacting the finances of the church monthly, and this board meeting was the first Monday in each month, (Monday night,) for the purpose before stated; and that Monday there was a spirit such as I did not know among the people. They seemed to be mad; but I did not think anything about myself that I was in any danger at all, (I was friendly to everybody,) or I should not have met that night. My board came together as usual, at the usual hour, Monday night, the 3d of October last, and we went on very well and got nearly through with the matters of the meeting, when it was near about 11 o'clock, as well as I can judge, and I had got tired of sitting in the chair. I was chairman of the meeting as pastor of the church. I had an old man, a father of the church there, to come up, and I gave him my chair for a few minutes and went out for a purpose, and the moon was shining dimly. When I got to the door, stepping out in the shade of a little tree in front of the door, I discovered two men. They seemed to be locked heads, walking toward me to the church. I looked at them and saw they were white friends—friends, as I supposed. I did not feel the least afraid. In a short time after I turned around. Just beyond my church there is a beautiful grove of woods; school used to be there. It is just at the edge of the grove I heard a horse snort, and I looked there and I could see any quantity of horses' feet and legs, but I could not see the bodies. I did not feel frightened then. I turned around and had one mind to meet these gentlemen coming toward me. I thought it was just the regular patrol. Then again I thought I would go in the church, and I went in the church and went to my seat and sat down. By this time they had gathered all right around the church as quick as that. My men were about eighteen in number, I think. The official board consists of about eighteen members, the class-leaders and the trustees of the church. Some of them began to get frightened. They heard the horses around the church. They got up and commenced going to the windows, and I said, "Take yours seats;

it is nobody but the white brethren; nobody to harm you." They obeyed me, and some of them went back to their seats, and in about one or two minutes from that time I was advising a man that passed his character before me. I was just with his hand in mine. He was just about to go to take his seat, and one of the disinterested men, sitting off a piece, belonged to the board—he is here in town now, and is shot—Columbus Mitchell—he was going to be reinstated that night, for he had been turned out of the church, and he was sitting off a little. He had the privilege to walk to the door, and he walked to the door. About the time I let the man's hand go the firing come at the door—a pistol fired. When that pistol fired at that door all the excitement in the world was squandering my men in the church. The men entered, and I could hardly have a chance to see; but I saw one man enter and he began shooting right away. I fell over my seat and went under my pulpit; fortunately it had a hole underneath. One of the men inside of the altarsays, "Elder, what shall I do?" And another says to me, "Get under the pulpit," and I got under the pulpit, and there was about three of us got under there, and then there was such firing it appeared to me that the whole world was turned loose; such shooting of guns and firing, I reckon, I never heard as there was for three or four seconds; it was as fast as I ever heard. During this time they shot and wounded five, killing two. They killed one instantly; at least he died that night. When we found him he was dead. The other one died about three days afterward. While I was lying under the pulpit and flinching from being shot, if I would try to see, and thought to save my head, I would stick it out and down it would go. The church altar has a kind of bench with a box so you can get into it. One fellow went in there. He did not know I was there. I saw the danger and I said, "Out the light." This fellow found out where I was and tried to get under there. I scolded him, and he obeyed me when I said "Out the light," and raised up then and caught the light. There was only one light on the altar and he raised up and caught it and blowed the light out. If he had not done that we would have been every one killed. Then the firing ceased and one of those men called, "Mount your horses, men," and they mounted and left, and I was glad to hear it. My wife and nine or ten that lived right around the church heard this, and of all the squealing you ever heard in the world that was the worst. I crawled out from under the altar then. The secretary was gone from the table, and all the papers and all the church money, which was about \$40, was lying there in the dark. I found that and all the papers, and got everything in my arms, and slipped to the door and got out and got away to my house.

Question. How many men do you think were in the company that made this assault at that time?

Answer. I could not tell; I could not make a near guess, there looked to be so many. It looked like there were twelve or fifteen horses, and I saw these two men afoot.

Question. Do you know how many shots were fired?

Answer. I could not tell you exactly. I counted afterward in the church, and I could see the marks of, I think, between twelve and fifteen. They are there now.

Question. Did you see one man enter the door of the church?

Answer. I saw that man myself.

Question. Did you recognize him?

Answer. No, sir.

Question. Was he a stranger to you?

Answer. He might not have been, but I hadn't time to know him. As soon as I saw his face I turned over.

Question. Was he a white man or a colored man?

Answer. He was a white man; he had a white face; I saw that plainly.

Question. Do you know whether any of this party were disguised?

Answer. There was a mask found at the church the next day; some one found it.

Question. Supposed to have been dropped there that night?

Answer. They supposed so; they never made any particular inquiries about that.

Question. What was the name of the man who was killed?

Answer. Andrew Geary, one of my class-leaders. He was class-leader No. 6, and a splendid wheelwright.

Question. What were the names of those wounded?

Answer. The other one that died was Abram Moss.

Question. You say one man that was wounded is here now?

Answer. Yes, sir. He has a ball in him now. His name is Columbus Mitchell. The other one was shot through the arm; that was Felix Wright. Another was Adam Goshe; he was wounded.

Question. Were any of these parties who made the assault arrested?

Answer. Not one.

Question. Do you think that these men were the men who came from Hunnicutt to attend the public meeting that day at the court-house?

Answer. I do not, sir.

Question. Some witnesses have thought that colored parties from Hunnicutt, who were in favor of the nominees who were nominated at Hunnicutt, came up to the pub-

lic meeting at Tuskegee, and that at Tuskegee other parties were nominated, and that on that account the Hunnicutt people were offended and made this assault.

Answer. That is a wide mistake. I have had a private interview with prominent gentlemen of the town since, and they told me the general opinion of the citizens. They told me this, but they did not care about their names being mentioned. They told me they were rightly informed that day by some mean persons that there was going to be a League meeting held over at the church that night; that this man Alston, from Montgomery, would be there. Alston was here then, you see. He had left Tuskegee and come down here; he had had to run off. They had been going on and arresting men during that proceeding on the riot, and were going to arrest him, and he in his afflictions got away from there.

Question. They supposed he was coming back to hold a meeting that night in the church?

Answer. Yes, sir; they informed me that, that he would be there in that church that night. That is what I was informed, and for that purpose; they knew nothing of my official church meeting. This was the opinion of good friends. They supposed that if they had known that my meeting was such, the shooting would not have been. That was the opinion of good white friends.

Question. You spoke about these patrols. You say the patrol company was organized in June?

Answer. Yes, sir.

Question. And it was continued until November?

Answer. Yes, sir. They were out at any time riding; they always had the posts.

Question. Did they go riding through the county preceding the election?

Answer. I did not meet them much; I was on my mission a good deal; but still I only knew them about town, and three or four or five miles distant.

Question. You spoke about some persons being arrested at the time of this riot; who were they?

Answer. I cannot call all the names; there was a great many. They were sent to the chain-gang to the railroad.

Question. They arrested people who came in from the country around?

Answer. Yes, sir.

Question. Supposed to be leaders?

Answer. Yes, sir.

Question. What was done with them?

Answer. They were convicted.

Question. How many?

Answer. I cannot tell you exactly the number; it was a good many.

Question. What was done with them?

Answer. They were carried off to the railroad.

Question. They had to work out their fines there?

Answer. Yes, sir; and some of them have just got out lately.

Question. Do you know whether any were let off on the pledge that they would leave the county?

Answer. Yes, sir.

Question. How many?

Answer. I cannot tell exactly how many, but two to my knowledge; Henry Cook, that was cleared with the pledge that he would leave the county, was one.

Question. Henry Cook had been quite a prominent man there?

Answer. O, yes, sir.

Question. Was he one who was a candidate for the legislature—for the nomination at the convention?

Answer. No, sir; I don't think he was; Henry St. Clair was. Henry Cook was a leading man of the colored people there.

Question. But the men who were arrested for firing upon Alston's house were acquitted?

Answer. Yes, sir; they were arrested and all proved clear; at least they are out there now.

Question. They still remain in the county?

Answer. Yes, sir.

Question. Some are out on bond, and some have been cleared?

Answer. Yes, sir.

Question. Do you know of any other disturbances in that county?

Answer. I do not know particularly of any others than those two I spoke of that I know of. There are others, but I do not know the particulars.

Question. Have you heard of others?

Answer. I could not turn in my mind right away to others.

Question. Have you heard of schools being broken up in the county, or any school-houses being burned?

Answer. I had two churches burned. One of them was burned, but I could not say how that was burned. There was two parties. A gentleman wanted to teach.

Question. Which one was that?

Answer. The one down at Franklin. We could not tell exactly how that got burned down. Two young men wanted the school, and they were running against each other, and we didn't know how the thing happened. One gained it, and before he got into it, to teaching, it burned up.

Question. How was the teacher employed?

Answer. Well, independent. I believe it was for an independent school. I can't say particularly now; I think it was an independent school.

Question. What was the other instance?

Answer. That was directly after the shooting in my church. The church was shot into on Monday night. Monday was the 3d, and about the 6th of that month I got news of the burning of that church of mine, just below me. It seems that the same parties burned it. I never got the news until afterward.

Question. Was it burned the same night?

Answer. Yes, sir; it seemed that they went on down that way, and didn't turn back into town.

Question. Your impression is that it was burned on the same night of the firing at the church?

Answer. I cannot tell exactly the night.

By Mr. BLAIR:

Question. What church was that?

Answer. The Sweet Gum church on the Zion road, ten miles from Tuskegee; also a large shed that I kept as a church. The property did not belong to me or the colored people. The Warrior Stand, it was burned; that was some time before that.

By Mr. BUCKLEY:

Question. Did you ever hear who that was burned by?

Answer. No, sir; we never got the particulars about that.

Question. Was it burned in the night?

Answer. Yes, sir; all this was done last year.

Question. Did you ever hear that Judge Dougherty was shot at in that county?

Answer. Yes, sir. I don't remember the time he was shot at, but it was on leaving Cheshaw he was shot.

Question. You are pretty well acquainted with Macon County?

Answer. Pretty well.

Question. From your knowledge of the county, do you think that republicans are safe there in advocating their sentiments?

Answer. Well, sir, if I were to speak freely, I would say not at this time.

Question. Are republicans free there to vote in accordance with their wishes without any intimidation?

Answer. I do not think they are.

Question. Do you think there was any intimidation used at the last State election held last fall in that county?

Answer. I do not know that there was particularly.

Question. What would be the effect of these raids, and the fact that these patrols were going over the county; would it not have a tendency to keep a great many colored people away from the polls?

Answer. I have a very large district. I go over a good portion of the county. There are some twenty-six churches in my district; and since last June a year ago there has been quite a change in my people. What little conversation I had with them showed quite a change in them.

Question. They seem more timid, do they?

Answer. Yes, sir; and a great many are leaving the county, or speaking of leaving it.

Question. Leaving because of the unsettled feeling they have, and the insecurity there?

Answer. Yes, sir.

Question. Do you find much opposition to the education of your race in your county now?

Answer. Not much now.

Question. That has diminished very much?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You spoke of several people who were arrested and convicted and carried off to the railroad, and made to work out their fines; on what charge were they arrested?

Answer. The charge of that riot.

Question. At Alston's?

Answer. Yes, sir.

Question. Were they all colored people?

Answer. Yes, sir; all colored people.

Question. Were you present at the investigation?

Answer. No, sir; I did not go into the court-house either time; I kept close about my own house. I was very much alarmed.

Question. You did not hear the testimony?

Answer. I did not hear the testimony of either party.

Question. What is your opinion as to who made that attack upon Alston's house?

Answer. Well, judge, I could not say; I hardly have an opinion about it.

Question. Do you believe it was made by the colored people, or by the white people?

Answer. It is mightily mixed up, sir; I cannot tell. Alston had so many enemies.

Question. Enemies among his own people?

Answer. Some among his own and a great many among the whites. He is very free-spoken, and always speaks his mind upon everything, and it caused him to have a great many enemies.

Question. Was he particularly obnoxious to the white people on account of the influence which he exerted over the minds of the colored people?

Answer. Well, I could not say, judge, particularly; he was a straight, go-forward kind of a man.

Question. Was he representative at that time from Macon County in the State legislature?

Answer. Yes, sir.

Question. Were the democrats very much opposed to him on that account?

Answer. Yes, sir.

Question. Were there any white people arrested and punished for that attack?

Answer. None as I know of, sir.

Question. Has anybody ever been arrested for firing upon your people that night at the colored church?

Answer. There has been no man ever arrested yet.

Question. What efforts were made by the community to discover who had committed this outrage?

Answer. I never saw but very little effort made; they said they could not discover anything. They held an inquest over the body of that dead man the next morning.

Question. Did the coroner examine witnesses?

Answer. Yes, sir; a little; most of the men who were present in the church at the shooting.

Question. Did the matter drop there; was there no further effort made after the investigation of the coroner to discover the authors of this mischief?

Answer. Very little, sir. The day I was going to bury this man, General Battle and some other gentlemen with him in company met me on the street as I started to the grave-yard, and offered me any assistance I wished in the world. They would give me aid, they said.

Question. Is General Battle a leading democrat in that part of the country?

Answer. Yes, sir. He was at the head of that patrol squad; he had that post.

Question. You say that patrol was continued until November?

Answer. I do not know as it was dispersed at all; it was ready at any moment. I could meet up with men at any time that belonged to it.

Question. Did they ride at night, or during the day?

Answer. Yes, sir; they principally rode at night.

Question. How strong a force had they?

Answer. At first I think it was about forty strong.

Question. Did you hear of anything they did in these various ridings; did they make any arrests?

Answer. They arrested these men I told you of that were carried to the chain-gangs. They made nearly all those arrests.

By Mr. BUCKLEY:

Question. Those arrests were made of parties that came in to defend Alston?

Answer. Yes, sir.

By the CHAIRMAN:

Question. These men who were arrested and convicted were not there at all when the house was fired upon?

Answer. No, sir; not at all. They only came in, and were arrested.

By Mr. BUCKLEY:

Question. After the fight?

Answer. Yes, sir.

Question. Those who came in to protect Alston were arrested for inciting a riot, and tried upon that?

Answer. Yes, sir.

By the CHAIRMAN:

Question. How many do you think were convicted?

Answer. I do not remember. I cannot turn to the number right now in my mind, but there were a good many. Afterwards, just wherever they could hear of a leading colored man, whether he was there or not, they took him up. There are no leading colored men, principally, about there now.

Question. They have left the county?

Answer. Yes, sir; principally all the leading colored men have left—those of the most account.

Question. Is it your opinion that that was the effect that they intended to produce upon the colored people, to drive them from the county?

Answer. I do not think that was it at all, to drive them from the county.

Question. Do you think it was their intention to drive them from the polls, and prevent them from expressing their political sentiments at the elections?

Answer. That is the opinion.

By Mr. BLAIR:

Question. Were not the men who were arrested on the charge of attempting to assassinate Alston arrested upon his own affidavit?

Answer. I cannot say but what they were. I was not present when they were arrested even. I didn't go over at all. The judge and sheriff, I learned, visited his room the next morning, and it must be on affidavit. They made him make an affidavit in some way or other.

Question. He then must have believed that those were the parties who made the attack?

Answer. It was his belief that they were engaged in it, I suppose.

Question. That was his belief unquestionably, if he made affidavit to that effect and caused the arrest of these men?

Answer. Yes, sir. It was found the next day a little distance from his gate in another lot, not altogether opposite to his—there is a vacant lot in front of his, but a little distance beyond is a lot inclosed, and briars and grass inside the fence, and there the grass was mashed down where the parties were waiting, and there were the signs where it seems they were in liquor. That sign remained there for several days.

Question. The men who came in to protect Alston came on his invitation, did they not?

Answer. I think they did, sir.

Question. He sent out for them generally?

Answer. As soon as they heard of it they came to his assistance, whether he sent for them or not. I cannot say that he sent for them particularly, because I don't know.

Question. You think so, though?

Answer. Yes, sir.

Question. It was the belief of all these men that these parties who were arrested upon the affidavit of Alston were guilty of a crime?

Answer. I think, sir, they believed it.

Question. And there was apprehension that they would inflict punishment upon them; that they would deal with these negroes who were arrested without giving them a chance for trial?

Answer. Yes, sir.

Question. And that was the cause of the riot, as I understand?

Answer. It might have been the cause, sir.

Question. I understand that General Battle after the governor came up there was appointed by the governor to take charge?

Answer. Yes, sir, something that way.

Question. Governor Smith appointed General Battle to take charge of this patrol?

Answer. Yes, sir; that force.

Question. And to prevent any riot, and to arrest those who were threatening riot?

Answer. Yes, sir.

Question. Did you ever hear that Alston was fired upon afterward?

Answer. I never heard anything afterward.

Question. He represents to the committee that immediately after this attack a guard was placed at this house to defend it, and that he was fired upon subsequently?

Answer. That is the same firing that I spoke of, where some men fired from the outside, and then, I think, fired in the inside from the colored men, apparently, protecting him. That is the firing I spoke of. I was not up there. He claimed that that was fired on him; that they wanted to kill him any way, and that they would have done so.

Question. Did General Battle, when your church was fired upon, call to see you?

Answer. The next day he did. However, he came up just about the time I was starting off with the corpse to the grave-yard, and in an exciting way called my attention. He told me if I needed any assistance in the world he would give it to me.

Question. Did he ask you if you knew who had committed the crime?

Answer. Yes, sir, he asked me that.

Question. He asked you for the particulars of it?

Answer. Yes, sir.

Question. He expressed anxiety to find out about it?

Answer. Apparently he did.

Question. And he assured you that he would arrest the parties?

Answer. Yes, sir; that was his pledge to me.

Question. Were you able to point out anybody to him?

Answer. I could not.

Question. You do not know any of the party?

Answer. I do not know. I recognized, apparently to me—but a good many lawyers always got me out of that—I recognized the voices of some gentlemen on the outside when they were talking. The tone I knew I had heard before, but I could not locate the man; I could not say who he was; but I knew the voice. In the time of excitement it all went away with me.

Question. You had a strong impression that you recognized the tone of the voice?

Answer. Yes, sir.

Question. But you could not locate it?

Answer. No, sir, I could not locate it; the gentlemen, you know, were hallooing in the time of shooting, and cursing and swearing, and hallooing, and calling every one, and going on so.

Question. Was there a letter found?

Answer. Yes, sir.

Question. Who was it for?

Answer. The very day I was carrying that man to the grave-yard there was picked up a letter; I don't remember now whether I picked it up myself or some one else; I won't say for certain but what I picked it up myself; and there was a flask found up not far from this cork. This paper was rolled up in a cork for a flask of whisky; I think I picked it up; I unfolded it, and it smelt of whisky, and it looked like it might be a note. It was on good paper, and I unfolded it, not thinking, and found it was a note written and signed on the 2d of October, on Sunday, and written to certain parties in town. I did not know what to think. I thought it might not be of any account, and some one mentioned you had better preserve it, and it was handed over to some friends, nigh by, into the yard of this man Columbus Mitchell, who was shot, that I mentioned. I handed it to his wife, or some inmate of the house, that kept it.

Question. Why was not that piece of evidence submitted to General Battle?

Answer. Well, we never thought about that at the time he spoke to me. Afterwards, there was a great fear in that place of discovering anything. I believe if a man that was in the church knew any of the parties he would not have told it.

By Mr. BUCKLEY:

Question. From fear would he keep it a secret?

Answer. Yes, sir; I believe every one seemed to be afraid. They were under some fear. I noticed, the morning before the jury, every man that was brought up before that jury seemed to not have his mind about him; he was afraid to say anything; he was afraid to say really what he thought, whether he knew it or not.

By the CHAIRMAN:

Question. You are speaking now of the coroner's inquest?

Answer. Yes, sir; in the church that morning.

By Mr. BLAIR:

Question. There had been a political meeting on the day preceding this attack?

Answer. Yes, sir; public speaking at the court-house.

Question. Were nominations made?

Answer. Yes, sir; I believe there were nominations on that day.

Question. There was a good deal of feeling about it?

Answer. Yes, sir; a good deal.

Question. It was a meeting of freedmen?

Answer. It was in the court-house.

Question. But it was a republican meeting?

Answer. Yes, sir.

Question. A contest between candidates for the nomination?

Answer. Yes, sir.

Question. By the parties who had received the nomination at Hunnicutt, and the other party?

Answer. Yes, sir.

Question. Was a great deal of bitter feeling expressed?

Answer. During the time I remained in the court-house I saw right smart, but after Judge Rice got done speaking I went away. They made the nomination after I left that day—Monday.

By Mr. BUCKLEY :

Question. Was there a good deal of bitterness while Judge Rice was speaking?

Answer. Right smart. Some gentlemen interfered with him while he was speaking; some prominent citizens; they were friends of his.

By the CHAIRMAN :

Question. You spoke of the note you found in the bottle, written on the 2d of October; do you recollect the contents of that note?

Answer. I cannot think of all. There was but little in it.

Question. Give the substance of it so far as you can.

Answer. If my mind serves me—it has been some time since I read the note, I think it was begging certain parties to excuse them. It seemed on the face of the note that certain parties promised to go with some somewhere, to some meeting—some choir meeting, or something of the kind, and they begged to be excused. I know that was it.

Question. What was the handwriting—that of a man or a woman?

Answer. It appeared to be a lady's handwrite to me, if I recollect aright.

Question. Who was it addressed to?

Answer. I don't remember the names; but one, I think, was Bowden, and Morrison.

Question. Those were the persons to whom the note was addressed?

Answer. Yes, sir.

Question. You spoke of the cry of the men who entered your meeting that night, when the eighteen leaders were assembled; state what that cry was. What exclamations did the men make when they entered the house and commenced firing their pistols?

Answer. The first cry I heard made at the door was, "Stand back," and the use of profane language, cursing, "stand back." This man Mitchell got to the door. Both seemed to have caught the knob at the same time, and he opened it once and shot him right there, and oaths followed.

By Mr. BUCKLEY :

Question. That, you say, was a white man who entered the door?

Answer. Yes, sir.

By the CHAIRMAN :

Question. As the crowd rushed in, what outcries did they make?

Answer. I can't tell you particularly, because I was so excited I fell.

Question. You said something about some one crying out, "Shoot the damned niggers."

Answer. Yes, sir; "Shoot them; kill them every one." That was what the voices said outside, too, that I heard. That was one of the times I thought that my time had come, but I escaped.

MONTGOMERY, ALABAMA, October 19, 1871.

WILSON WILLIAMS sworn and examined.

The CHAIRMAN. This witness has been called by the minority, and his examination will be conducted by General Blair.

By Mr. BLAIR :

Question. State your residence.

Answer. Opelika, Lee County, Alabama.

Question. How long have you resided there?

Answer. I have been residing there since May, 1869. I lived there, however, during a part of 1865, but I have been permanently residing there since May, 1869.

Question. Your county adjoins the county of Russell?

Answer. Yes, sir. A considerable portion of Lee County was taken from Russell.

Question. What is your occupation or employment?

Answer. I am a lawyer by profession.

Question. Do you know anything, sir, of an outrage said to have taken place at or near a place called Fredonia, in Chambers County?

Answer. I do not.

Question. Have there been any outrages in your county of late?

Answer. Any time specified; do you mean since the county was organized?

Question. Yes, sir; recently.

Answer. None that I know of.

Question. Has it been entirely quiet?

Answer. Our county has been free from disturbance as a general thing.

Question. Has there been any violence by any organized bands of disguised men in your county?

Answer. None that I know of, and none that I have heard of.

Question. Do you know a man by the name of Few?

Answer. Yes, sir.

Question. Does he live in your county?

Answer. He lives in our town at this time.

Question. He gave us an account of an outrage committed upon him. Do you know anything about it, or have you heard anything about it?

Answer. At what point was he outraged?

Question. At Crawford.

Answer. That is in Russell County. That was after I left Crawford. I lived there formerly. That was said to have been committed after I left there. I know nothing of it of my own knowledge.

Question. What do you know from information that you deem reliable upon the subject?

Answer. The only information I have upon the subject is from my father-in-law, Judge Lewis, who lived at Crawford at the time. Mr. Few was teaching a negro school at Crawford, and on one occasion when I visited my father-in-law, at Crawford, he told me that some boys from about Crawford had disturbed Mr. Few; that the boys had done so improperly, as he thought, and as soon as it was ascertained that they had done this thing—what it was I do not know, nor did he tell me, except that it was, perhaps, rocking his house, or something of that sort—the citizens expressed their disapprobation of that course of conduct of these young men or boys who did this thing. As to what was done I do not know. That was about the sum and substance of what he stated to me.

Question. Mr. Few stated that on the 19th of July they threw rocks into his room where he slept, and afterward fired into the house. Did you ever hear that there was any firing of guns into his house?

Answer. If Judge Lewis said there was any firing I do not remember it now.

Question. He said Judge Lewis offered to protect him by sleeping in his house?

Answer. Yes, sir; that is my father-in-law.

Question. What did he complain of to Judge Lewis? Did he ever complain of anybody firing into the house?

Answer. Not that I recollect. If Judge Lewis told me he complained of that I do not remember it. As to their rocking the house, I recollect that he told me that.

Question. Would you have recollected about the firing if he had mentioned it?

Answer. I reckon I would.

Question. This man lives now at Opelika?

Answer. Mr. Few lives at the same town I do—Opelika.

Question. He expressed the opinion that the persons who did this were two Bakers and Lewis, who was the postmaster, and Judge Waddell's son. He says they secreted themselves about at that time. Did you ever hear of any such circumstance as that?

Answer. No, sir. I know those boys that he mentions there; I am acquainted with all of them. I will state, in addition to what I stated just now about what Judge Lewis told me, that it was not so much to damage Mr. Few as to annoy him. Understand me, gentlemen, I do not know anything about it of my own knowledge, only what he told me.

Question. You understood from him that he got this account from Few himself?

Answer. Yes, sir.

Question. That was his statement to Judge Lewis, that this was not so much to injure as to annoy him?

Answer. That was what I understood as coming from Mr. Lewis, as his opinion; not that Mr. Few himself thought that, but that Judge Lewis himself did not think that these boys had any intention of hurting Mr. Few.

Question. He could not have held such an opinion if they had fired a gun into his house?

Answer. No, sir. I do not think that Mr. Lewis said anything to me about firing a gun.

Question. What character does Mr. Few bear in your community?

Answer. His general character?

Question. Yes.

Answer. He is a man that is quiet, and as a general thing is a peaceable man. He is a man subject to dissipation a good deal.

Question. He says that the hostility to him arose from his keeping a colored school?

Answer. I do not know what gave rise to the hostility. If Mr. Lewis told me, I do not remember it now. He did teach a colored school there.

Question. Are the people of that part of the country hostile to men who teach colored schools simply?

Answer. I think not. I have heard them express themselves as being in favor of colored schools, they being taken charge of and conducted properly. I do not think they are hostile to a man taking charge of colored schools.

Mr. BLAIR. I called this witness from Opelika, as Mr. Few was called from the same place. I had no knowledge of what Mr. Few would testify to, and I called this gentleman simply as a person who would be likely to know of any occurrences in that region. Mr. Few, as it turns out, was called to testify to transactions in a different part of the country, and I have not now the opportunity of calling witnesses upon that transaction from the point where he lives. I was misled by his being called from Opelika, without knowing that he was to testify as to transactions elsewhere.

Mr. BUCKLEY. Opelika is Mr. Few's residence, as it was given.

The WITNESS. May I make one remark, explanatory of why I do not know more about the matter. I formerly lived at that town, and married Judge Lewis's daughter, and about the last time I visited him at that place was when he told me about this transaction. That is the reason I do not know more about it. I was there only a short time, and all that I know is from hearsay.

By the CHAIRMAN:

Question. How far is Opelika from Crawford?

Answer. Nineteen or twenty miles, I think.

Question. Do you know, as a matter of fact, that Mr. Few was engaged in teaching a colored school in Russell County?

Answer. I know that he did have charge of a colored school at that place. I saw him teaching it.

Question. Do you know how long he was employed there in that business?

Answer. I do not know, sir.

Question. Mr. Few is regarded as a truthful man, is he not?

Answer. I think he is, sir.

Question. How long after this occurrence was it that Judge Lewis had this conversation with you?

Answer. I cannot give you the time. I do not remember it. It would be a mere supposition, but I do not suppose it was a month afterward. That is mere guess-work.

Question. Have you charged your memory specially with all that Judge Lewis said on that occasion, or may you not have forgotten some of the particulars Judge Lewis related in regard to this assault on Mr. Few's house?

Answer. I may have forgotten some of them.

Question. If Mr. Few has stated under oath, as a fact within his own knowledge, that the men or boys who threw rocks into his house at the same time fired into it, you would not hesitate to believe Mr. Few?

Answer. I would believe that he thought they had done so.

Question. You spoke of boys as being concerned in this firing. What aged boys are they?

Answer. Give me the names, if you please.

Mr. BLAIR. The two Bakers; Lewis, the postmaster; and Judge Waddell's son.

The CHAIRMAN. And he remembered afterward a man named White.

Answer. I suppose one of the Bakers is—you will have to let me infer which Baker it was—I suppose one of the Bakers, the oldest, is twenty, and the other eighteen; Lewis is twenty, and young Waddell is sixteen years old. These are about their ages.

Question. How old is White?

Answer. I do not know his age. I know White, but I do not know which White it was; there are two or three families of Whites there.

Question. You say Judge Lewis expressed the opinion to you that the intention of these young men was not so much to injure Few as to annoy him?

Answer. That is what he expressed to me.

Question. Did he tell you why they annoyed him?

Answer. I do not think he did, sir.

Question. Did he tell you that he had offered protection to Few, offered to go and stay in his house?

Answer. I think he did, sir; I do not know about staying in his house, but I think he told me he went to Few and told him that not only he, but the balance of the good citizens, would protect him, and that he should not be uneasy in consequence of the conduct of these boys. That is my recollection of what he told me on the subject.

Question. Do you not think, from the fact that he offered protection to Few, that he must have considered that Few was in some danger?

Answer. Well, I hardly think so, sir.

Question. Why should this protection have been tendered upon his part, and upon the part of other good citizens in that town, unless it was needed in their judgment?

Answer. I was going to give a reason in answer to the other question, and that may

explain it. That was a small village, and it was very essential to peace and good order that there should be no disturbance, and he knew other good citizens were willing to frown down anything that would make a disturbance in this small village; it was a very small place.

Question. Did you infer from your conversation with him that this attack was made on Few's house because of his being engaged in the business of teaching a colored school?

Answer. I do not know that it was, sir.

Question. What was the cause, then?

Answer. I think, as well as I recollect, the cause was that in addition to his teaching that colored school, they were opposed to the place where it was taught. They were not so much opposed to his teaching the colored school as to his teaching it in the hotel, which was on the side of the public square. In addition to that, as I have stated, Few was a man subject to dissipation, and that is the reason, I understood from Judge Lewis, why they wanted it farther away. The court-house had been moved away and the hotel was on the side of the public square, and he was occupying it and teaching the negro school in it, or had been. He was living in it.

Question. Was dissipation a very rare vice in that community?

Answer. No, sir,

Question. On the contrary, it was a very common vice, was it not?

Answer. I should say not. There were some instances. You ask me if dissipation was a rare thing; I will tell you it was not, because there were two or three persons who dissipated a good deal, while the balance were, as a general thing, sober citizens.

Question. How many groceries were in the town?

Answer. At that time there was one, and sometimes two.

Question. In a village of two hundred souls?

Answer. My reason for saying sometimes two is, there was one sometimes kept open and running and sometimes shut up; and I will say there was one running constantly, and at other times another.

Question. That was in a village of two hundred inhabitants?

Answer. Not so many at that time. I will say one hundred and fifty or two hundred, but not exceeding two hundred.

Question. Did Mr. Few drink to excess?

Answer. He did. Now whether he drank to excess right at that time or not I do not know, but he was in the habit of drinking to excess or had been so before that, and has been since.

Question. I am speaking now of the time when he was engaged in teaching this colored school. Did he drink to such excess as to disqualify him from teaching?

Answer. I do not know, because I did not live there. I speak generally of his dissipation.

Question. Did you say this attack was inspired by the fact that he was a dissipated man?

Answer. I did not say that; I only state what I heard.

Question. Do I understand that that was an element in his offense, that he drank liquor?

Answer. I understood that to be one of the causes, and the other was what I spoke of; that is, teaching a negro school on the public square.

Question. Were other persons stoned or fired upon because they drank whisky in that place?

Answer. Not that I am aware of.

Question. Did you ever hear of any one being molested in that village of Crawford from the simple fact that he had patronized that grocery or had drank too much whisky?

Answer. No, sir.

Question. That is not regarded in Alabama as a vice to be punished in that way if a man gratifies his taste for ardent spirits?

Answer. It is not an offense that would authorize a man to take the law into his own hands.

Question. You never heard before of a man in Alabama being stoned or fired upon simply because he loved whisky?

Answer. Not that I recollect of.

Question. Did you understand that was the only place in the village which Mr. Few could find in which to teach a colored school, and that he had made repeated efforts to find a room in other places, but could not get a room, and could not even buy a lot for the purpose of building a school-house there?

Answer. I do not know anything about his concerns. I do not think I heard anything on that subject.

Question. What was there in the location of the school which gave offense?

Answer. As I have said, the hotel was on the side of the public square, the old court house in the middle. He occupied that building as a residence, and was teaching school in it.

Question. Was there a hotel kept there?

Answer. Not at that time.

Question. What was there in the fact that he occupied this building as a residence, and for teaching school, that should give offense?

Answer. The public thoroughfare ran along by the hotel there; that was the business part of the town; on the corner of the public square the grocery was kept.

Question. Did you understand that it was the patrons of that grocery who took offense specially at this school?

Answer. No, sir.

Question. Well, there was nothing then in the location of the school-room, except the fact that it faced the court-house upon the public highway, and in the neighborhood of this grocery?

Answer. As to the court-house, the records were all removed from there; but it was just there on a public thoroughfare, and the people generally assembled about that grocery, or somewhere about there, when the village was assembled at all.

Question. They assembled about the grocery?

Answer. Yes, sir; this is on week days.

Question. You mean to say that it was the most central point in the community?

Answer. It was about the only open place of any business, of any account.

Question. Mr. Williams, was not the teaching of colored schools in July, 1869, odious to that community?

Answer. I think not, judge; that is, I will state that as my opinion, and as what I heard at the time, that the teaching of colored schools was not odious to the citizens.

Question. I am not speaking of the condition of public sentiment now, but in July, 1869.

Answer. I mean to so answer, and I am speaking in reference to that community.

Question. Was there not public prejudice against white men teaching colored schools at that time?

Answer. I think not.

Question. Was Mr. Few regarded as a radical in his political sentiments?

Answer. Well, sir, at that time, if I heard his political sentiments mentioned, I do not remember it.

Question. If he were a radical at that time, and that fact was known to the community, do you think that would have been an element in the prejudice existing against him?

Answer. Not in the immediate community, I do not think. I am speaking of the villagers.

Question. Were there any radicals in the community beside him?

Answer. Not at that time; there had been, but at that time I do not think there were any others.

Question. Did you understand from Judge Lewis that the garden palings were torn down at the same time?

Answer. If he mentioned that fact I do not remember it.

Question. You are a democrat, yourself, Mr. Williams?

Answer. Yes, sir.

Question. And your father-in-law, Judge Lewis, is likewise a democrat?

Answer. Well, I suppose you might say he was a democrat. He was an old whig, but is acting in concert with the democratic party.

MONTGOMERY, ALABAMA, October 19, 1871.

ROBERT H. ABERCROMBIE sworn and examined.

The CHAIRMAN. This witness being called by the minority, General Blair will conduct the examination.

By Mr. BLAIR:

Question. State your place of residence.

Answer. Tuskegee, Macon County, Alabama.

Question. How long have you lived in Tuskegee?

Answer. I have lived in the town of Tuskegee, sir, about fifteen years. I was born near the town; I have lived in the county all my life.

Question. Practicing law?

Answer. Yes, sir.

Question. Do you remember an outbreak or disturbance in your town, in which a negro man named Alston was involved?

Answer. Yes, sir; I remember it.

Question. State the particulars of it as far as you know.

Answer. I remember that on Sunday morning after the night of the difficulty on Saturday night, some negroes came into town early in the morning, and reported that Alston had been shot. A number of citizens, with myself, went over to Alston's house to inquire about it, to learn who the perpetrators were, and he stated that he believed them to be, and was satisfied they were, several colored men, who were in a League meeting with him the night before.

Question. Alston said so?

Answer. Yes, sir.

Question. Did he make any affidavit of these facts?

Answer. I was going to state; the judge of probate court then came over a little while afterwards, and the same statement was made to him, and he told him the parties must be arrested, and to make affidavits of these facts, and he made the affidavit alleging that the perpetrators were the colored men whom he named in the affidavit, and who were afterwards tried for the offense on a preliminary investigation.

Question. Was there any information from Alston at that time, that the attack was made by white men?

Answer. No, sir.

Question. No suspicion of it?

Answer. No, sir; he said he was satisfied that they were not white men; that they were the negroes who were in the League meeting with him, and came near raising a difficulty with him about the appropriation of the funds that had been raised by the League. There was to be a collection raised, and a question was raised about the collection of the funds, and these men wanted to inquire about what had become of the funds already collected before, and he told them it was out of order, or something of the sort, and that produced the disturbance in the meeting. They told him they were not to be hushed up at his bid. He was chairman of the meeting, or the president of the League; hence the difficulty in the meeting.

Question. Was there much violence in this altercation in the meeting?

Answer. He said that there were some guns brought into the house by the negroes, or probably one gun, I do not remember, by members of the League in his party, to preserve order—by parties whom he said were officers of the League, to keep order, and quiet was restored.

Question. What became of the prosecution against these negroes?

Answer. Some of the negroes charged by Alston were discharged upon preliminary investigation; others were bound over to appear at the next term of the circuit court.

Question. Were they ever tried?

Answer. No, sir; I think not.

Question. What was developed in the preliminary investigation upon which these men were held?

Answer. The examination was a pretty lengthy one and consumed several days. A great many witnesses were there, all negroes who were at the League meeting the night before, and some from town. The only testimony before the court was against these colored men, those who were bound over. Many negroes swore positively they saw them, and after the shooting they saw these negroes running, some with guns and some with pistols, running away from Alston's house. They were the negroes who were not discharged; they were bound over.

Question. Have they been tried?

Answer. They have never had a final trial. There was some arrangement made with the solicitor. There were quite a number of prosecutions grew up immediately afterward. To make it intelligent to you I will state that Alston, when he was shot, sent out runners all over the county, telling the negroes to come into town, and hundreds of them came in with arms and staid about the town for three or four days, threatening to burn the town and do other violence to the town. The leading parties who had excited and made up this mob there that was threatening, and who irritated the negroes to remain there, were arrested by the sheriff for inciting a riot. Some of these parties during the time were tried before the probate judge, who has criminal jurisdiction in our county, and who is a republican judge, and they were convicted. In the first trials there were convictions by him of some two or three parties, but as there were so many other cases, prosecutions, it was deemed best that these convictions were enough to set an example, and the other parties made application through their attorneys to have their cases discharged, and that they would not disturb the community any more; they would go from that community themselves, and would not disturb the community any more, if the prosecutions would be dismissed. The solicitor consulted with the judge and other parties about it, to see whether to accept the proposition, and did so, and thus got rid of a whole mass of prosecutions that were pending; and these other cases were also nolle-prossed.

Question. The cases of the men implicated by Alston?

Answer. Yes, sir; they have been bound over on the same terms; that was my understanding of the disposition of all these cases.

Question. Those officers were republicans?

Answer. All republicans, sir.

Question. The judge, sheriff, and solicitor?

Answer. I will not say either whether the solicitor is now a republican; he was elected as a republican; I do not know what his politics are now. He was elected at an election when there were no democratic nominees or candidates in the county; at the time of the adoption of the State constitution, I think, or directly afterward.

Question. Subsequent to that there was an attack upon a church of the Rev. Mr. Butler, a colored man; do you know anything of the circumstances disclosed?

Answer. I know nothing except what I heard from other parties.

Question. Did you talk with them?

Answer. Yes, sir; I talked with the negroes who were over there.

Question. Who were present?

Answer. Yes, sir.

Question. What account do they give of that?

Answer. There were conflicting statements made by those who were present, and the inferences or conclusions of those who were present. A day or two, or probably more days, before, but a very short time before—and it could not have been but a few days—there had been a political meeting in the town of Tuskegee for the purpose of considering a nomination that had been already made by the republican party at a place called Hunnicutt. The nomination made at Hunnicutt was not satisfactory to the negroes in that portion of the county at Tuskegee. At the meeting in Hunnicutt, Mr. Dougherty was nominated as a candidate for the legislature. The negroes about Tuskegee were very much opposed to it, and held a meeting in Tuskegee, for the purpose of reconsidering that nomination, and they did so reconsider that nomination, and made another nomination. The negroes from Hunnicutt were present, protesting against a reconsideration of the nomination, and there was a good deal of feeling and excitement about it among the negroes, and threats of violence, &c., and the Hunnicutt negroes were seen to purchase on that evening, after the nomination, and after the adjournment of the meeting in Tuskegee, powder and shot; and a few miles from town, on the road that leads from Tuskegee toward Hunnicutt, they gathered together; they assembled and seemed to be very much disturbed, and very angry. Nothing more was heard from them. I am of opinion that that was the very evening of the night that this disturbance occurred in the church—the evening of the day on the night of which the disturbance occurred in the church.

Question. That is stated by the other witnesses, that it was the same night.

Answer. Yes, sir. I think it was upon reflection. Some negroes who were there in the house at this time of this disturbance thought it was the negroes who had become dissatisfied, from Hunnicutt, while others thought there were some white persons. There was a conflict among the statements of the negroes who were in the house. A majority of the negroes I talked with thought they were the negroes from Hunnicutt who were dissatisfied with that nomination in town that day.

Question. Did you make efforts to ascertain from them and others the fact?

Answer. Yes, sir. I went over with other gentlemen, the sheriff of the county and others, talked with them, and asked them the names and appearance of the individuals who were there; they said they knew no names at all. Did not know who they were. They said they were all black; some thought the black was assumed, while the majority of them thought it was not.

Question. Was the track of this party followed?

Answer. There were horse-tracks there and mule-tracks. There were more mule-tracks than horse-tracks among the number of tracks that led off from the church, and they were said to have been the tracks of the animals ridden by the parties who came there that night. I intended to have stated before that this party from Hunnicutt, the dissatisfied party, came riding horses and mules; there were but few horses among the animals they rode; the majority of them were mules. Of the tracks that went off from this church the majority were mule-tracks.

Question. In which direction did they go?

Answer. They went off in the direction of this Hunnicutt country. We made efforts to find who they were. When the circuit court sat afterward they had the names of all the negroes who were there given to the grand jury, and they were all brought before the grand jury, and during the session of the district court here the names were given to the officers here; the witnesses were brought here. There was never a true bill found against them either in the State court or the United States court here.

Question. Do you know Butler, the preacher?

Answer. Yes, sir; I know him.

Question. He is a man of good character?

Answer. He has that reputation. I am not familiar with him. I know him when I see him. He has that reputation among his people, among his color.

Question. Did you converse with him at the time about this matter?

Answer. There were some twelve or fifteen negroes in a crowd; he was one of them.

I do not know that I had a personal conversation with him directly; he was in the crowd of other negroes with whom we were conversing.

Question. Do you know anything in regard to an attack said to have been made upon a man by the name of Bill Dougherty?

Answer. Nothing at all, sir, except what I heard him say.

Question. There was a church called the "Sweet-gum church" burned; do you know who that was burned by?

Answer. I do not, sir. I know the church very well; I know its location, know where it was. It was an old church that was occupied by what was called the Hard-shell Baptists, or Primitive Baptists, and had been disused for a good long while. It was on a very lovely plain, near a creek, and had been a camping-ground for wagons. There was no fence around it; the only use made of it was as a camping-ground for wagons, who would sleep in the church at night.

Question. Was it rebuilt?

Answer. I do not know whether it has been, sir. There was a subscription got up among the citizens for the colored people there to rebuild it, but I do not know whether they have ever done so.

Question. Was there a committee raised of Mr. Carlos, Robert Johnson, General Gunn, Thomas Dryer, Mr. Campbell, Dr. McMillan, and Dr. Grigg and yourself, to order this man Alston to leave the town?

Answer. No, sir.

Question. No such committee?

Answer. No such committee organized and constituted; we went to Alston's house because some of these negroes who had been arrested stated that they were induced to go up with their guns because Alston thought his life was in danger. We went to Alston's house and told Alston that he was not in danger; that if he was the white citizens of the town would guard him, and we would put a guard around his house, and to tell his colored friends to go home and disperse; that we would guard him at his house, and we did put a guard of white citizens there, and the negroes did disperse.

Question. Was there any attempt made to assassinate him after the first attempt?

Answer. There was no attempt made to assassinate him. His father-in-law lived in the same house with him. His father-in-law gave as a reason why he left that somebody had told Alston that he was going to be arrested as an inciter of the riot, and that he left to avoid arrest. That was his explanation of his leaving.

Question. What was Alston's character?

Answer. Well, sir, his character was not good; it was very bad among those who knew him well. I had known him for a long while; I knew him when he was a slave. I had charge of him when a slave, and knew him after his freedom. His character was not good, sir; it was very bad.

Question. What was his character for truth and veracity?

Answer. It was not good, sir; he is reckless in his statements, extravagant in his statements; he mixes a good deal of falsehood with some truth.

Question. What is the character of Bill Dougherty?

Answer. I do not know what is his character in the community where he now lives. He lived, though, a long while in Tuskegee, until about two years ago. His character was very bad while he lived there—very bad, from a boy up to his present age; that is, the age he was when he left there.

Question. What was his character, among those who knew him, for truth and veracity in the community in which he then lived?

Answer. Well, sir, I do not know that I ever heard an expression about his truth and veracity. He was a man of notorious bad character generally—notorious bad character, but in regard to any specific expression of opinion in regard to his character for truth and veracity, I do not know that I ever heard it questioned. I do not know that I ever heard of his being a witness, and hearing that matter discussed.

Question. He was indicted, was he not, for some crime?

Answer. Yes, sir; he has been indicted several times.

Question. Was he indicted for murder?

Answer. Yes, sir; indicted and tried for murder.

Question. What was the plea interposed?

Answer. Insanity.

Question. What was the proof?

Answer. Insanity from drunkenness. The proof was that he had been drunk for some two or three weeks before that—in a confused state of intoxication for two or three weeks before the crime or offense with which he was charged was committed.

Question. Had you anything to do with the trial?

Answer. I was present during the trial.

Question. He alleged that he proved on the trial that he had taken a large dose of morphine, and that that was the immediate cause of his insanity. Was there any such proof?

Answer. I do not remember any such proof, sir; it may be possible. A physician was introduced to prove the effect of long intoxication upon the mind. I do not remember that there was any proof as to the administering any morphine, sir; if there was, I do not remember it. I am satisfied, however, that that was not the plea—that that was not the defense, that it was morphine; but the defense was insanity from long-continued intoxication—drunkenness.

Question. Was he acquitted?

Answer. Yes, sir; discharged on that plea.

Question. What other crime was he indicted for?

Answer. Well, sir, I cannot tell you; he has been before the courts there so often, before the town courts and the circuit courts, that I cannot remember what other charges have been preferred; various charges, though, of violence—I declare I do not remember—in the town courts. In the council courts, it was for living in adultery with negro women. Such charges were preferred there, but I do not know whether there was ever an indictment in the circuit courts.

Question. What was the charge?

Answer. I think it was living in adultery with lewd women; they were colored women.

By the CHAIRMAN:

Question. Do you speak of Mr. Dougherty's character at the present time, or in the past?

Answer. In the past, I say; the last year and a half or two years it has been since he left our town.

Question. Is not he a correct and sober man at this time?

Answer. If he is he has commenced it in the last three or four months; I saw him beastly drunk within three or four months, within the summer past.

Question. Does his bad character grow principally from the fact of his being a dissipated man?

Answer. No, sir.

Question. You say he has a general bad character; specify in what respects it is bad.

Answer. It would be difficult to commence. I will state some facts or circumstances. He is a very violent man whenever he has the advantage of another, and a very powerful man in his chest. He is deformed; his legs are somewhat deformed, and he gets about badly on that account. He was indulged when a boy very much and his violence winked at until it grew to such a habit with him that it formed a part of his character. He was a very obscene and profane man, and would sometimes go and join the church, and profess the most devout piety, and become remarkable for it, and laugh at it afterward and say it was all a joke, and go on the streets and swear that he believed the Virgin Mary was a whore and Jesus Christ a bastard, and talked it out publicly in the streets among citizens, and was guilty of a great many acts, I cannot tell you what, but violations of decency, law, and order. He was considered in the town a very dangerous man, and a very bad man; his father before he died could not control him, and ceased to attempt to control him.

Question. But you never heard his character for truth called in question?

Answer. I do not remember that I ever have heard it called in question. I do not remember his ever having been a witness in any case. I do not remember any circumstances calling it in question at all.

Question. From your knowledge of the man would you hesitate to believe him when testifying to any matter in which he had no personal interest; would you hesitate to believe him when testifying under oath?

Answer. Well, sir, whenever any man has established a notorious bad character for anything affecting his general character I could not believe him whether his veracity was questioned or not. In the case of Mr. Dougherty I do not know—I will make the general remark, however, that I would believe no man who had established so bad a character as Mr. Dougherty had in the community.

Question. You spoke of his being before the courts frequently; was he ever convicted of any crime?

Answer. I think not; he used to be confined frequently before the town courts. I do not know that he was convicted in the circuit court; his father used to be the judge there; his father used frequently to send him to jail, imprison him.

Question. These convictions were for mere misdemeanors?

Answer. Yes, sir; before the town courts. As another evidence of his bad character, I have heard him curse his father very bitterly for sending him to jail. His father was judge of the circuit court there for a number of years before his death.

Question. Alston, I suppose, rendered himself very obnoxious to the white people up in that section of country on account of the influence he exerted over the colored people, and the zeal he manifested in the republican cause, did he not?

Answer. Whenever that influence was exerted badly, exerted to incite riots, or to excite ill-will to the whites; but so long as he exerted himself simply to increase his party's strength in a legitimate way, there was no prejudice against Alston.

Question. What riot did he incite ?

Answer. The one I have just spoken of.

Question. Were any previous riots ever incited by him ?

Answer. He has incited gatherings at the hotel ; expressions were used and inflammatory speeches made by him.

Question. Any subsequent riots ?

Answer. No, sir ; he left and has not been back there since.

Question. The only riot you can lay your finger upon incited by him is the one you have described ?

Answer. Using the word riot, it was too strong an expression, probably. There were frequent assemblies at his instance.

Question. Were you at those assemblies ?

Answer. I was at one.

Question. Did you hear him speak ?

Answer. Yes, sir.

Question. Did he make an inflammatory speech ?

Answer. Yes, sir ; he spoke of the whites as enemies of the black race, and trying to cheat them out of their rights, and that the blacks must look upon them as enemies, and such as that.

Question. Did he denounce the white race for opposing negro suffrage in that speech ?

Answer. I did not hear it.

Question. On what ground did he charge the whites with being the enemies of his race ?

Answer. He was endeavoring to unite and consolidate the blacks and prevent any of them from voting the democratic ticket, and his purpose in doing so was to excite enmity to the white race, without any particular reason being assigned.

Question. He assigned no ground ?

Answer. No, sir. His purpose was to get a unanimous vote against the whites, and to do that he instilled hatred against the whites, and whenever he did so of course he excited the ill-will of the whites.

Question. That ill-will continued down to the time he was fired upon, did it not ?

Answer. I cannot say he was held in any favor ; but he was never interfered with, and nothing ever said to him by the whites—nothing ever in a hostile manner.

Question. You spoke of five men arrested for this assault upon his house, two as having been discharged, and three as having been bound over.

Answer. Yes, sir.

Question. Do you recollect who became the bail of those who were bound over ?

Answer. I do not.

Question. You know Mr. Adams ?

Answer. Mr. Jesse Adams ? I do. One of the men bound over had been in Mr. Adams's employ as his blacksmith for years.

Question. Did Adams become his bail ?

Answer. I do not know.

Question. Robert Johnson ?

Answer. I know him very well.

Question. Do you know he became bail for one ?

Answer. I do not know that.

Question. Are they both democrats ?

Answer. Adams is, I think. Robert Johnson is a republican ; he has been a member of the commissioner's court for a good while. I do not know really what his political status is.

Question. Do I understand you that the prosecutions against these three men, who were bound over, were dismissed ?

Answer. Yes, sir ; at the same time that the others were dismissed against these parties who aided in bringing these negroes up to the town.

Question. So that no one at this time is under prosecution for this attack upon Alston's house ?

Answer. None that I know of ; I think none.

Question. No one has ever been punished for it ?

Answer. No, sir.

Question. Have all efforts ceased to discover who the criminals were ?

Answer. I cannot tell that.

Question. This occurred in June, 1870, did it not ?

Answer. It occurred the summer of last year ; I cannot tell what month exactly.

Question. Is not the latest public opinion upon this subject that this attack was made by white men ?

Answer. No, sir ; it is not. The opinion has always prevailed there, among all I have ever heard express an opinion, that it was done by negroes.

Question. You never heard an expression of opinion that it was by white men ?

Answer. I have heard that Jim Alston has said since he has been here, in a public

speech, or a public examination, I think it was, or an examination in a contest between Mr. Norris and Mr. Handley, or expressed the belief, that it was white men.

Question. This attack upon his house was, I understand, upon the evening of the day of this public meeting at the court-house?

Answer. I think it was, sir.

Question. Did you count the number of shots that were fired into the house—count the marks upon the walls or inside?

Answer. No, sir; but there were quite a number of them, different sized shot—bird-shot, squirrel-shot, duck-shot, and, I think, one or two balls in the side of the house.

Question. Did the proof say how many were concerned in that attack?

Answer. No, sir; the only proof was in regard to these five. Alston swore to these five, and some other negroes swore to seeing some of them afterward.

Question. Was there any proof upon the point of whether they came there upon horseback or on foot?

Answer. Yes, sir; the proof was that they did come on horseback; some on horseback and some on mules.

Question. Was there any proof as to whether they were disguised or not?

Answer. In the attack on Alston's house? There was no proof that there was any disguise, and no proof of coming on horseback at Alston's house. The proof of going on horseback was at the attack on the church.

Question. The only men, then, that have been punished for that affair were negroes who were not present at the time of the attack on Alston's house, but came subsequently, at his request, to town?

Answer. They were not punished for that offense, but for the offense of going around over the county and inciting the negroes to come up armed; and when the sheriff ordered them to disperse, they, with inflammatory remarks, urged them not to do so, but to stay there and burn down the town. They were the negroes punished, and only two or three of them were punished; the balance were discharged. They were not punished for the offense of shooting at Alston.

Question. They were not present at the attack upon Alston's house at all?

Answer. No, sir; there was no proof of their presence.

Question. You spoke of the county officers—the county judge, the sheriff, and the circuit clerk—as being republicans; do they vote the republican ticket?

Answer. They do; they are very zealous republicans.

Question. All of them?

Answer. Yes, sir.

Question. What is the name of the probate judge?

Answer. J. T. Menifee. L. B. Strange is the circuit judge; Howell R. Hayes is the circuit clerk, and is a very zealous republican.

Question. Who is sheriff?

Answer. The sheriff is dead; he died about a month or six weeks ago.

Question. I do not speak of the present sheriff.

Answer. Joel D. Paget.

Question. Did he act with the republican party at that time?

Answer. He did; he was considered the leader of the republican party there, I believe.

Question. Do you say the county solicitor was considered a republican?

Answer. I do not know. He was a quiet man, who never talked politics. He was elected by republicans at the same election where Judge Strange was elected and the sheriff. There were no democratic nominees at all.

Question. How long after this attack on Alston's house before the assault was made on Butler's church?

Answer. I declare I do not remember how long it was.

Question. You say Mr. Butler is a man of truth, whose statement can be relied upon?

Answer. I have never heard any of the whites say anything about him at all. I have heard his people say it was good. He never associates with the whites. I have never heard his veracity drawn in question. I never heard anything said against it.

Question. If he should testify that he saw a white man or white men in the church, with pistols in their hands, you would not hesitate to believe it, would you?

Answer. I do not know anything in his character that would cause me to exclude it. I would believe that he thought so at least. He has been before the State grand jury and United States grand jury, or was subpoenaed before them, and came. I reckon he went before them. I do not know what he testified on those occasions; but I would argue that if he had testified in that way before the grand juries in those two courts there would have been some arrests made, if he had told them who the parties were. He is pretty well acquainted with all the white persons about Tuskegee.

Question. You say this matter was brought before the United States grand jury at this place?

Answer. Yes, sir.

Question. And the negroes who were present in the church that night were brought here as witnesses?

Answer. Yes, sir; subpoenaed.

Question. Do you know whether they came before the grand jury?

Answer. They came here for the purpose. Whether they were carried before the grand jury or not I cannot say. A number of persons were brought here—the parties who held the coroner's inquest and a number of members of the republican party. Colonel Bowen, the postmaster there, was subpoenaed—I do not know whether he came—and other members of the party. Very strenuous efforts were made by the State's authorities, as well as the United States authorities here, to find out who it was.

Question. What was the character of the meeting of the blacks that night at this colored church? Was it a political meeting?

Answer. They were holding a League meeting, as they called it. I guess its objects were political.

Question. How do you know they were holding a League meeting?

Answer. It was the testimony of Alston and all the witnesses who testified in this matter.

Question. I speak of the night the church was fired into.

Answer. O, I do not know, sir. There has been no trial about that; no sworn testimony in regard to the matter.

Question. I was asking what was the character of the meeting that night when two were killed and three wounded?

Answer. The report I heard from those who were there was that it was a leaders' meeting. I infer from that that it was some other meeting than the League or political meeting; a church meeting, I presume. They called it, though, a leaders' meeting.

Question. A meeting of the leaders of the church?

Answer. I guess so. I infer so.

Question. You spoke of an effort being made to follow the tracks of the horses and mules from the church that night. How far on the road toward Hunnicutt were those tracks followed up?

Answer. They were only followed out to where it led into the public road, I suppose a distance of about half a mile, or three-quarters of a mile.

Question. How far was it from the church to Hunnicutt?

Answer. I suppose it was about ten or twelve miles.

Question. Were there any diverging roads?

Answer. Yes, sir; there was one diverging road, that led to this place, but that road was at right angles to the road to Hunnicutt; it turned off at right angles coming in this direction; if the parties had intended to go in this direction, they would have gone from the church in an opposite direction from the way they did.

Question. Do you say that between Tuskegee and Hunnicutt there is only one road that leads off from the thoroughfare?

Answer. Only one main public road; there are roads into plantations; I speak of the road now to where we tracked the mules; there are three, or four, or five, or six roads, very near Zion Church, but the road where the horses' tracks led to leads right on to Hunnicutt, and I do not remember but one main public road that diverges from that, and that leads off to Montgomery, five or six miles from this church.

Question. So, for aught you know to the contrary, these tracks may have taken that diverging road?

Answer. They may have; it was improbable, but it was possible.

Question. Is the country pretty thickly settled between Tuskegee and Hunnicutt?

Answer. No, sir; there are very few white persons living in that section; it is what is called a lime-mud country, settled up with large plantations, and most of the whites have moved out upon the healthy ridge that Tuskegee is built upon; all of that country is settled up with negroes; a few white superintendents of farms remain there, but it is settled up almost entirely by negroes. I believe one precinct votes about two hundred and fifty, and there are only eight or ten white votes in the precinct, and that is this Hunnicutt precinct that I am speaking about.

Question. Was there not a committee that waited upon Alston to advise him to leave that part of the country; that his life was not safe there?

Answer. No, sir.

Question. That it would be better for him to leave?

Answer. No, sir.

Question. Did you never hear of such a committee?

Answer. No, sir.

Question. If there had been such, do you think you would have heard of it?

Answer. I think so, sir. There was an application made by Alston's father-in-law—so I have heard since he left—that if there would be no prosecution against Alston, if he would not be arrested, that he would never trouble the community any more, but what the extent of the proposition was I do not know; I heard of no committee ap-

pointed for that purpose, and I am satisfied there was no such committee; if there was I never heard of it at least. I know this, that the people of the town were very indignant at his going away, and indignant that those other prosecutions were dismissed. The people in the town who had been so alarmed and excited about this riot desired Alston's trial and conviction, and they were very indignant about it.

Question. How large a place is Tuskegee?

Answer. I reckon there are now about two thousand inhabitants.

Question. Do you take an active part in politics yourself?

Answer. I have for the last year; I did not until about two years ago.

Question. With which party do you affiliate?

Answer. With the democratic party, sir.

Question. Were you in the army, sir, during the civil war?

Answer. I was, until its close.

Question. In the confederate army?

Answer. I was.

Question. Did you hold any rank or office?

Answer. I commanded a regiment in the confederate service, sir; I was with the army till it surrendered. I would like to state to the committee, inasmuch as these outrages, or these incidents, have been referred to before civil tribunals, the committees in the congressional matter, and here, and in the public prints, to state the condition of affairs in our county. Since these troubles, there has not been a more quiet, a more orderly, a more prosperous county in the State, or a county, I think, where there is better feeling between the blacks and whites than in my county now. Perfect quiet, peace, and harmony now prevail between the whites and blacks—that is Macon County.

Question. Since you have volunteered that statement to the committee, I will ask you what has been the reduction in the vote polled in the county since the time of this attack upon Alston's house and the subsequent attack upon the colored church? Has there not been a reduction in your county of several hundred votes?

Answer. There has been a reduction, sir; I do not remember the number of votes. Yes, sir; there has been a reduction; I do not know whether it amounts to several hundred votes or not; I will state one reason of the reduction.

Question. In the first place, I would like to get your opinion about the amount of the reduction; how much the vote is less.

Answer. I cannot now tell.

Question. Is not the reduction entirely on the republican side?

Answer. No, sir; I was just going to state to you that at one precinct that has never cast a republican vote at all—and there never has been since the surrender a republican vote—at the last election there was not a single vote.

Question. Are there not any negroes there?

Answer. Yes, sir; fifteen or twenty, but it is almost entirely settled by whites. The negroes go to Tuskegee to vote. The negroes in the county concentrate at one place, except at the Hunnicutt beat, where they are almost unanimous. The negroes at the other end come to the county seat. They have to distribute all tickets, and they are instructed to come to the county seat. In this beat, called the Texas beat, it is unanimously a democratic precinct; there has not been a republican vote since the war, and at the last election it did not poll a vote at all.

Question. On either side?

Answer. On either side; not a vote was polled there at all.

Question. I was asking you to give me a statement of the reduction, and which party lost most by it.

Answer. I think in the reduction the republican party lost most, because the republican is so largely in the majority in my county. I will say this, however, that I am of opinion that these instances, these affairs, did not influence the negroes to go away from the polls, but rather stimulated them to come out to the polls. I believe the vote would have been smaller if these occurrences had not taken place; it produced more agitation and excitement.

By Mr. BLAIR:

Question. The negroes are generally losing interest in the election?

Answer. Yes, sir; they are losing interest in the elections, and almost throughout this State, there are very large numbers of democratic negroes; there are now in my county.

By the CHAIRMAN:

Question. You say there are now in Macon County a large number of democratic negroes?

Answer. Yes, sir; a large number.

Question. How large?

Answer. I heard say between six and eight hundred democratic voters, and a number

of others would vote the democratic ticket, but believed that the oath they took when they joined the League prevents them from voting it. I heard a very influential negro ask Colonel Bowen, the postmaster in my county, and who is a leading republican there, if he could, consistently with the oath he took when he joined the League, vote for the democrats; that he wanted to do it; that he was tired of voting the republican ticket, and wanted to know if it was consistent with his oath; that he did not want to perjure himself, and that a number of others would do the same thing if they thought they could do it consistently with their oath.

Question. When did the democratic party acquire this great accession of strength from the colored voters; within the last year or two?

Answer. Yes, sir.

Question. It has been principally since these attacks on the colored church and Alston?

Answer. It may have been since the riots, but not induced by the riots.

Question. How do you know?

Answer. I was going to tell you. They give as a reason that they have had many promises held out to them by those for whom they voted, who influenced them; promises of great good that they never realized, and think that the course they have pursued has kept them estranged from the whites who are their best friends, and they are satisfied it is the wrong policy, and they want a different policy, to become the friends of the whites, and, since they have manifested that spirit, they see there is more harmony, peace, and quiet, and prosperous times, and they are disposed to go with the whites now.

Question. You never heard it said they wanted to buy their peace by entering the democratic fold?

Answer. Never.

Question. You never heard that this change in political sentiments resulted from terrorism?

Answer. No, sir; never.

Question. You have no suspicion that any of these conversions were brought around by intimidation?

Answer. I have not, for the reason that the intimidations would come from the other side in my county; they so largely outnumber, and they have all the officers in the county of their own party, who are very zealous partisans, and the intimidation would, therefore, come from their side; it would be a very poor game for the democrats in my county to attempt intimidation; it would be suicidal policy.

Question. Have you not heard it said that a great many negroes have been induced to leave your county, because of their apprehensions that they were in danger of personal violence?

Answer. No, sir. The only negroes I have heard who left there were refugees from crimes, who have left to avoid prosecutions, and who have left on their own propositions to leave, provided the prosecutions would be dismissed against them. Those are the only ones I have heard of; there may have been such cases, but they have not come within my knowledge.

Question. What is the comparative strength of the two parties at this time in your county?

Answer. Well, I don't know, sir. Taking into account the accession from the republican ranks to the democratic ranks in my county, I suppose we have some three or four hundred majority, where they probably had eighteen hundred before.

By Mr. BUCKLEY:

Question. Mr. Abercrombie, how many colored men came up from Hunnicutt and Tuskegee at the time of the county convention there, of which you have spoken?

Answer. Altogether?

Question. Yes, sir.

Answer. I cannot tell. They came from different sections and I cannot tell. I think I heard, however, that the number that were in the crowd in the outskirts of the town, that had assembled and were talking in a hostile and angry manner about the nominees, and about the town negroes overslaughing them when they had the strongest beat in the county, were some ten or fifteen, that had stopped in the road and were bragging, and flourishing pistols about and drinking.

Question. They seemed dissatisfied with the action at Tuskegee?

Answer. Yes, sir.

Question. Their dissatisfaction, of course, grew out of their political defeat in that convention?

Answer. I suppose so, sir; I heard of nothing else. There was no disturbance in the town, no collision, or hostile expression from any one else.

Question. If they were dissatisfied with the action of the convention which nominated county officers, how did they expect to get redress by making an attack on a colored church, occupied by the pastor and his board of trustees and stewards at the church meeting?

Answer. I cannot answer that, sir.

Question. Did you ever hear it reported in your town that there were any white men connected with the attacking party upon the church?

Answer. No, sir; I have not.

Question. Did you ever hear it stated that the man who entered the church-door with a pistol in his hand and shot Columbus Mitchell was a white man?

Answer. Let me explain. I stated that a few of these negroes who were in the church said that some of them were white men in disguise, while a majority of them said they were satisfied they were negroes. It was a suspicion on the part of some of them, that, while they were all black, for they said they were all black, that they had assumed this.

Question. That they had discolored their faces?

Answer. Yes, sir; but the majority said they were satisfied they were black men—negroes.

Question. Did you ever hear it reported that a mask was found the subsequent day about the church, near there?

Answer. I heard one negro said so; I did not hear him say so.

MONTGOMERY, ALABAMA, October 19, 1871.

CHARLES LOPER (colored) sworn and examined.

The CHAIRMAN. As this witness has been called by the minority, General Blair will please conduct his examination.

By Mr. BLAIR:

Question. Charles, state to the committee where you live.

Answer. I live eight miles from here, sir, on the Rolland Brassel plantation—it used to be that.

Question. I want you to state, Charles, to the committee, if you have ever been threatened, or have any threats been made against any man of your color for wanting to vote the democratic ticket.

Answer. No, sir, I haven't. They have never threatened me. I never heard any threats about voting, but they went so far as to say this: I have heard many a one say, if they did vote, that they would have no equal rights in law, and such as that.

Question. Did you ever hear them say they would be reduced to slavery?

Answer. No, sir; something worse than slavery; they wouldn't have any protection, and so on.

Question. Is your neighborhood peaceable and quiet?

Answer. Yes, sir; never has no altercations in our neighborhood at all.

Question. Is there good feeling between the whites and blacks?

Answer. Yes, sir; apparently warm; there is no difficulty in our neighborhood, and I have been living in it or where I am almost since the surrender. It is quiet and peaceable.

Question. Are the white people in your neighborhood all democrats?

Answer. Yes, sir.

Question. Are black people all the other way?

Answer. No; I can't say all.

Question. Most of them are?

Answer. Yes, sir; the largest majority are.

Question. Yet you say you are getting along quietly and peaceably together?

Answer. O, yes, sir; we get along quiet and peaceable.

Question. Who do you live with?

Answer. I am renting this place I told you of, of the estate.

By the CHAIRMAN:

Question. You vote the democratic ticket yourself?

Answer. Yes, sir.

Question. Were you a slave before the war?

Answer. O, yes, sir.

Question. Whose slave were you?

Answer. E. D. Loper's. I came here in 1858, from South Carolina—Mr. Harwell.

Question. A good many other negroes up in that part of the country vote the democratic ticket with you?

Answer. Yes, sir, there are some few.

Question. You are not molested at all in voting your sentiments?

Answer. No, sir.

Question. You find you get along better with the white people by voting the democratic ticket than the others have who voted the republican ticket?

Answer. So far as myself is concerned, I get along just as good as if I was as white as them, and if I get scarce of money I could go to Mr. Carrico, or Mr. Meadows, or Mr. Tom Crawford, or Mr. Lewis, and get anything I ever asked for, just as if I was as white as they are.

Question. They respect you for the way you vote?

Answer. Yes, sir.

Question. Do you not think they treat you a little better than they do those colored gentlemen who vote the radical ticket?

Answer. Yes, sir, there is, maybe, more thought of me.

MONTGOMERY, ALABAMA, October 20, 1871.

JEFFERSON FALKNER sworn and examined.

The CHAIRMAN. This witness having been called by the minority, the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Where do you reside?

Answer. My residence is in this city.

Question. State, judge, if you were in Chambers County on the occasion of the shooting and killing of a negro man by the name of Trambles.

Answer. Americas Trambles?

Question. Yes, sir.

Answer. I was. I was at La Fayette, in attendance upon the circuit court, at the time, sir.

Question. State, if you please, the circumstances attending the occurrence.

Answer. I only know from what I heard at La Fayette. I was not up at the place where the killing occurred. I saw a number of persons from there, though, and I talked with the solicitor who was in attendance, Colonel Hudson, and also Judge Strange, who was presiding in the court up there, about the information they had in regard to it. I also talked with Colonel Jones, or Major Jones they called him; he lived in the neighborhood, and was at the coroner's inquest. I also had an interview with the sheriff and deputy sheriff both, who went to investigate it; the sheriff went in person first, and then took his deputy with him perhaps, and some other persons, and, as I understood from these various parties I have spoken of, who investigated the matter, it was stated that some time in the night—the hour of the night I do not remember, but perhaps after midnight—persons came to the house where these negroes were living; it seems to have been a double cabin, with two rooms, according to the description, the white woman living and sleeping in one end, and the negroes in the other.

Question. She was a school-teacher?

Answer. Yes, sir; she was teaching a colored school.

Question. Mrs. Randall—was that her name?

Answer. I do not know; I never was acquainted with her; they knocked at the door; she asked who was there, and perhaps refused to let them in; they told her it was the deputy sheriff and some men with him searching for a notorious negro thief, whose name I do not remember, who was in the jail at La Fayette; they stated that that negro had got away from the sheriff that evening, and they believed he was there, and they wanted to search the house; she stated if it was an officer, he had a right to come in, and she got up and opened the door; some other parties went to the other door where the negroes were, and made substantially the same statement, and, I think, the negroes refused to open the door at all for some time, until the old woman, the wife of this old man who was killed, went and opened the door eventually, and they came in. There was a light, and an altercation was gotten up between them in regard to this negro; they accused the negro of knowing where this prisoner was; he denied it; an altercation arose between them, which resulted in some of them shooting him, and also, perhaps, shooting his son; his son was wounded at the same time; there were several shots fired; in that way he was killed; that was my information at the time—what I learned from all these parties.

Question. You were there in the county at the time?

Answer. Yes, sir.

Question. Did this evidence, of which you speak, come out on the coroner's inquest?

Answer. I so understood. I learned some of the facts previously to the coroner's inquest being held; I learned it from Colonel Hudson and from Judge Strange, who had their information from this white woman, who came down to town, and they had an interview with her. I am acquainted with them both. I afterward saw the sheriff, and the coroner who held the inquest, and talked with them, and they all substantially gave the same statement. I do not think there was any contradiction with regard to

these facts as I have now stated them. I think they all agreed with regard to these facts. Major Jones, who lived in the immediate neighborhood, was at the inquest, and I think, if I am not mistaken, was one of the jury of inquest. I got substantially the same statement from him, and substantially the same from all the parties I conversed with. Perhaps it is proper I should state that I lived at La Fayette twelve years and practiced law there, and I am very intimately acquainted through the country and in that particular neighborhood, and know almost everybody there.

Question. Were any of the parties identified by any of the witnesses?

Answer. My information is that, when this woman, this school-teacher, first came down, she stated she knew two of the parties, but I learned afterward from some of them, I do not remember who, but perhaps Major Jones and the sheriff—I think it was them I learned it from—that on the coroner's inquest she could not state who any of the parties were; that the guilty parties were not identified on the inquest; that was what I learned.

Question. Had the family, the old negro and the old negro's wife, lived a long time in the neighborhood?

Answer. Yes, sir; long before the war. They had belonged to old Mr. Trambles, and the family was rather a favorite; the family of the Trambles thought a great deal of them; they had lived there in the neighborhood, I reckon, twenty or thirty years.

Question. They knew everybody in the neighborhood?

Answer. I suppose so.

Question. I understand that these men were not disguised?

Answer. Not at all.

Question. They would have been able to have identified any one that had been a neighbor?

Answer. From my knowledge of the people up there and these negroes, I should say they would have been able to have identified any of the men of that neighborhood, they having lived there as long as they had, and it being on a public road, a very public road, from La Fayette leading up to Fredonia and Hickory Flat; it was a very public road, and they had lived there many years. I think they would be likely to know almost everybody in that neighborhood.

Question. Was diligent search made to discover the parties?

Answer. From what I could see and hear from the sheriff and others, I think there was; the sheriff, Mr. Robert J. Kellum, himself, went first, and his deputy, Thomas J. Martin; they have an arrangement by which Mr. Kellum attends to the business in the upper part of the county, and the other in the lower; this was in the upper part of the county; he went first himself, but afterward took Martin with him; I saw them both after they returned, and they told me they had got other persons to assist them, and they had made very diligent inquiry all about the neighborhood to try and ascertain who the parties were.

Question. The testimony here was that this woman, who boarded at Trambles's, the negro's, boarded there because she could not get board anywhere else in the neighborhood, as no one else would take her. Was that the case?

Answer. I think it was, sir. I think there were several persons in that neighborhood. I do not know that no one else would take her, but I heard it stated there by some one that she had tried to get board at some places, two or three, in the neighborhood, and they refused to board her, and she went to this place to board with the negro.

Question. What was the reason they refused to board her; was it because she was teaching a negro school?

Answer. I cannot say about that; my information in the community up there was that she was a woman of low character; I do not know whether it was in consequence of her teaching a negro school or other things. I heard it stated on the streets pretty generally that, while she staid about West Point, respectable people did not associate with her at all, and the impression left on me was that it was in consequence of her character that she was reduced to the necessity of boarding at that house.

Question. Is it your belief that if the parties could have been discovered, they would have been brought to justice and punished?

Answer. Yes, sir; it seemed to be so. A good many persons were in attendance on the circuit court, which was in session at the time. The grand jury was in session at the time, as well as I remember, and I think very strong efforts were made to investigate the facts; and I heard but one sentiment in the entire community, and that was, the great desire that the parties should be identified and brought to justice. I am satisfied that that was the prevailing wish, so far as I could learn.

Question. Did this woman go before the grand jury?

Answer. I think she did, sir.

Question. Of course you do not know the testimony she gave there?

Answer. No, sir.

Question. But before the coroner's jury she failed to identify any?

Answer. That was what I was informed. I was not present at the coroner's inquiries.

Question. You conversed with officers of the law, though?

Answer. Yes, sir; I conversed with the coroner, and, if I am not mistaken, one of the jury of inquest; I think Major Jones was one of the jury of inquest. There is another fact perhaps I ought to state. At the time when this thing was first known, there was a man by the name of John Lawrence up in that country, sometimes in Alabama and sometimes on the Georgia side, rather notorious as a bad man, and it was suspected that it was him and some of his friends. Two young men that lived in the immediate neighborhood were suspected by the community generally about town there, but I learned in a day or two that on that identical night John Lawrence had staid all night up in Randolph County, at Rock Mills, and it could not have been him; but I think the general impression, general idea, was—and that seems to be the impression yet, so far as I am advised, and I have been attending the court there, and been there on business frequently, as I am the executor of a large estate up there—the impression got to be there during the court, and is yet, I think—that those parties who did this thing were from Georgia; that they were not from Alabama at all, but parties from over on the Georgia side. They first thought Lawrence and a couple of young men named Barnes were three of the parties, but the subsequent opinion was that they were Georgians.

Question. This county is a border county?

Answer. Yes, sir; It joins Troup County.

Question. The woman came from Georgia?

Answer. Yes, sir; she came from Georgia, over there.

Question. When did this occur?

Answer. My recollection is that it was either in the spring or fall of 1870; I am not sure as to the date.

By Mr. BUCKLEY:

Question. Was it about October of last year?

Answer. It was in the time of the circuit court there, the spring or fall term; I think the fall term.

By Mr. BLAIR:

Question. Do you recollect the killing of a negro which occurred at a political meeting in that county, in which the negro candidate for lieutenant governor, Rapier, was speaking, at La Fayette or Fredonia?

Answer. There was one killed at a public meeting at La Fayette.

Question. Did you hear anything of that?

Answer. I heard of it.

Question. Do you know anything about it?

Answer. I only know from what I heard in the community up there, and I know the young man who killed him very well.

Question. Who was that?

Answer. His name was Adams.

Question. He was the marshal?

Answer. Yes, sir; the town marshal. He was sent out there for the purpose of keeping order.

Question. The negro was making a disturbance?

Answer. Yes, sir; that was my information, and he arrested him; the other negroes attempted to rescue him from the marshal, and a fight ensued, as to the negro that he had arrested. I have forgotten whether the negro shot at him or not, but he was armed—that is my recollection—and was making fight at the marshal, and the marshal shot him and killed him; they would have killed the marshal, I reckon, had it not been for persons interfering. A portion of the negroes present interfered.

Question. The testimony given by Mr. Ward was, that he was present, and that the negro interrupted the speaker, Rapier; that it was supposed, or some said, that the negro who interrupted Rapier was a democrat; that the marshal knocked him down, and that he ran, and was shot by the marshal when he was running.

Answer. I never heard that the negro was a democrat.

Question. He said that some said he was a democrat and others said he was not. He was interrupting the meeting?

Answer. Yes, sir, he was interrupting the meeting, and the marshal had gone out there by request; the thing occurred over at the colored academy, that has been built for the use of the colored people near the limits of the town—at the edge of the town; he had gone out there to keep order, and had some other men with him, and this negro became so disorderly that he felt it his duty to arrest him, and did arrest him, and my opinion was that the negro then made fight at him, and he shot the negro in self-defense. The matter, I learned, had been before the grand jury up there, and the grand jury investigated it, and there was no bill against the marshal at all. I think the grand jury ignored the bill; that he did it in self-defense. There were some indictments, though, against some other parties, I think, but not against the marshal who shot the negro. 1

know the young man, the marshal, very well; his name is Adams; I have known him since he was a child.

Question. What is his character?

Answer. He is a young man of as good character as any in that community.

Question. What are his politics?

Answer. I suppose he is a democrat; his father is. I have known his father for many years.

Question. You say there are indictments against some others?

Answer. So I understood. I saw him at a recent term of the court up there. I saw Mr. Adams going to court, to attend court as a witness against some other parties who had been indicted by the grand jury.

Question. What were they indicted for?

Answer. I do not know what is the character, if I was told, of the indictments against them, for I did not inquire into it particularly. It is for connection with the matter in some way, but I cannot say what the charges in the indictments are.

Question. For aiding in resisting the arrest of this man?

Answer. I do not think I understood what the charge in the indictment was.

By the CHAIRMAN:

Question. Did this Trambles live in La Fayette?

Answer. No, sir.

Question. How far from the corporation did he live?

Answer. I think, sir, it was about eight miles—seven or eight miles.

Question. In the open country?

Answer. Yes, sir.

Question. I understand you to say you know nothing personally of the killing of Trambles, and of the wounding of his son?

Answer. Nothing at all.

Question. Were you in La Fayette at the time this occurrence happened?

Answer. I was, sir.

Question. Had there been, in fact, an escape from jail of a negro thief?

Answer. I think not.

Question. That was only a pretense on the part of the party who visited Trambles' house?

Answer. I suppose it must have been. I do not know. I cannot say about that. They may have had information to that effect, or may not. I cannot say. They stated that, as I understood.

Question. Was the leader of the band, in point of fact, a deputy sheriff?

Answer. No, sir.

Question. You know of no threat upon the part of any one to go to Trambles' for the purpose of making a search?

Answer. None whatever, sir.

Question. Did you understand how large this party was?

Answer. Yes, sir; but I do not think my memory serves me correctly at this time. I think, though, that there were two—that was my opinion and information—that two persons went into the house where this white woman was, and I think three went into the house where the negroes were. I think my information was, perhaps, that it was supposed there were one or two others outside holding horses. I think that is about it.

Question. The party went there then, on horseback?

Answer. That is my information, sir.

Question. And, according to your information, did not exceed five or six?

Answer. Well, perhaps, seven—not exceeding seven, I reckon.

Question. Were the horses' tracks followed to ascertain where the party came from and went to?

Answer. I do not know about that. I cannot state about that. I remember this, however, that it was stated there that a short distance this side, between La Fayette and where Trambles lived, they stopped and went to a fire, where there were some parties, one or two of them, and lit their pipes and had some conversation; but both the negroes there—for these were negroes at the fire, I do not know how many, where they lit their pipes—said they did not know either of the parties; that they were going then in the direction of where Trambles lived and was killed.

Question. They were on their way there?

Answer. They were on their way from La Fayette to that direction.

Question. What was your information on the point whether they were disguised or not?

Answer. My information was that they were not disguised.

Question. Neither their horses nor persons?

Answer. No, sir.

Question. From whom was this information that they were not disguised derived?

Answer. I think I got it from all the persons, pretty much, that I talked with on that subject.

Question. These persons you talked with on that subject had not seen this party themselves, I understand?

Answer. No, sir; I did not talk with any one who had seen these parties. I talked with Colonel C. D. Hudson, the solicitor, and Judge Strange, who was presiding at court, and had had interviews with this white woman who had given the information.

Question. From what original source did the information proceed, that they were not disguised?

Answer. From the family of Trambles, who was killed, and from this white woman.

Question. That they were not disguised?

Answer. That was my information?

Question. What became of that white woman?

Answer. I am not able to say.

Question. Did she not leave the country immediately after this occurrence?

Answer. I am not able to answer, sir.

Question. Were you not informed that she was so frightened that she fled to the woods?

Answer. Yes, sir; she went and lay in the woods the balance of the night, according to my information, and next morning came down to La Fayette, and was going on to Opelika, perhaps to Montgomery.

Question. Was she present at the coroner's inquest?

Answer. I think she was. I am not sure. It has been some time ago, and I did not expect ever to have to testify about it; but my best recollection was, that she had returned to Opelika. She did not go to Montgomery, but went back.

Question. How long did you understand that she remained there if she returned?

Answer. I do not know; I have no information whether she remained or left; I have not inquired.

Question. How soon after the killing was this coroner's inquest held?

Answer. I do not know whether it was the first or second day after the killing, but it was pretty soon after.

Question. What parties went down from La Fayette to attend it?

Answer. I do not remember distinctly, except the sheriff and the coroner; I recollect their going. Mr. Mitchell was the coroner and the sheriff was Mr. Kellum.

Question. Did the proof develop how many shots were fired?

Answer. I think so.

Question. You may state the number of shots.

Answer. I do not know that I can state positively now, but I think, as well as I recollect, that there were three. I am not positive as to the number, but I think I remember of three. I think the old man was hit twice, perhaps, and his son once.

Question. How badly was the son wounded?

Answer. I do not think his son's was a dangerous wound, sir.

Question. What other members comprised the negro's household besides the negro and his son?

Answer. His wife and daughter, I think.

Question. At what hour did these parties visit the house?

Answer. I think in the night-time, and I think it was something after 12 o'clock.

Question. This white woman was teaching a colored school at that time?

Answer. That was my information.

Question. Did you understand that she was teaching in the other end of the double-log building?

Answer. Well, now, I do not know that I heard anybody say what house she was teaching in; the impression on my mind is—I do not know that I heard anybody say it—that there was a school-house there in the immediate neighborhood.

Question. A colored school-house?

Answer. A colored school-house; that was the impression on my mind; I know the neighborhood there, but I do not know that I heard it mentioned.

Question. Did you hear that that school-house was burned down soon afterward?

Answer. I did not.

Question. You never have heard of its being burned?

Answer. I have not, sir.

Question. You do not dispute the fact, but simply say you never have heard of such occurrence?

Answer. Yes, sir; I do not know anything at all on that subject.

Question. If, in point of fact, the school-house was burned soon afterward, it would tend to show that there was local dissatisfaction with the school, would it not?

Answer. Well, I should think so, sir; that is, upon the part of somebody.

Question. And you would infer, also, that the party who had shot this negro and his son were concerned in the burning of the school-house that occurred soon after that event, would you not?

Answer. Well, it would be a circumstance that would seem to point in that direction, sir, I should think. I would state this, however, that there would be a possibility of one or two persons, or even a single person, having a prejudice against the school and destroying the school-house, or anything of the sort, when the community did not participate in any such feeling at all.

Question. Were you aware of any prejudice at that time, on the part of any portion of the community, against colored schools?

Answer. No, sir. I know there was a colored school at La Fayette at that time, and a gentleman was teaching there; and I know another thing, that that gentleman was recognized as a clever, genteel man. He was teaching a colored school in La Fayette.

Question. Was he a colored man?

Answer. No, sir; a white man. He was a Baptist minister, and was recognized there by the Baptist church, and preached occasionally in the Baptist church in the town.

Question. State whether this Trambles who was killed was not a preacher to the colored people.

Answer. He had been a preacher, sir; my information was that he had been. They had had him up in the church, perhaps, and had expelled him for the doctrines he had been preaching.

Question. Was he a man held in good esteem in that community?

Answer. He was when he was a slave, for a colored man.

Question. Not after he had become free?

Answer. He was for a time, until he had got to preaching a doctrine that his church disapproved of, and they took him up and expelled him; and it was believed then that he was exerting an influence upon the colored population in his preaching that was deleterious.

Question. What was that doctrine?

Answer. My information was that he preached, pretty generally, that Christ never died for the southern people at all; that he only died for the northern people.

Question. That made him, then, very odious to the white people in that part of the country, did it not?

Answer. It particularly did to the people of the church of which he was a member.

Question. A colored church?

Answer. I do not know that it was a colored church. I do not think the churches were separated at that time. I think the white and colored were all in the same church, up to that time, in that community.

Question. Were the churches mixed, colored and white, in that community?

Answer. I think so, sir; they are yet in many portions of the community; I do not know whether in that particular neighborhood they are now or not.

Question. They associate, then, together in their religious assemblies, without any distinction as to color or politics?

Answer. I did not say that, sir, so far as their social relations are concerned; but so far as church matters are concerned, in churches that have a mixed membership, there is a part of the house designated for the colored people and the other part for the white people.

Question. Do such religious assemblies, in part of whites and in part of blacks, allow a colored preacher to teach them?

Answer. Occasionally they do, sir.

By Mr. BUCKLEY:

Question. Do they not have separate services?

Answer. They do sometimes; most generally they do; most generally they have separate services; but it has always been the case up to the close of the war that the churches were mixed in that way. There were very few colored churches anywhere in the South that were entirely of colored people, and there were a few colored preachers, who were men of better information than the common run of them, who frequently preached to white people, and white people have gone to hear them. I have gone frequently myself. It was not common in the South, until a few years before the war, to have separate services for the colored people; that was not common in the South. It was a practice that was adopted a few years before the commencement of the war, and became pretty general all over the South, that separate services were held for the colored people; but it did not use to be so in my earlier days.

By the CHAIRMAN:

Question. I now recur to the question you have not answered, whether this new doctrine on the part of Mr. Trambles, in his religious teaching, did not make him very obnoxious to the white people of that neighborhood?

Answer. So far as I heard any expression, it did seem to have that effect. I heard but a few persons speaking of it. I heard some of them speak of it up there—that he had been preaching that doctrine, and had been dealt with by his church, and expelled for preaching that doctrine; and, so far as those persons I heard speak of it were concerned, I should think they approved the action of the church.

Question. Was he not also a zealous republican ?

Answer. I think he was, sir.

Question. Was he recognized as a sort of political leader, in that part of the county, of the colored people ?

Answer. I think the colored people so regarded him. I think he was active, like most of their preachers here.

Question. How long had he been under the ban of popular disfavor, on account of his sentiments, before his killing occurred ?

Answer. I do not think I can answer that. When I was informed about the doctrines he was preaching, and about his having been expelled, I do not think I was informed how long it had been, but my impression is it had not been a great while. I think up to, perhaps, some considerable time after the close of the war, he was held in very good esteem by the people generally. He had been regarded as a very good old man.

Question. Except for those sentiments, do you know anything against him ?

Answer. I do not.

Question. His moral character was good, I understand ?

Answer. I never heard anything against him.

Question. His habits were all good ?

Answer. I never heard anything against him.

Question. Did you learn what the immediate provocation to his assassination was ? I understood you to say that what these men said was all a mere pretext ?

Answer. They at first stated that they believed this negro thief was in his house, which he denied, and they came in ostensibly to make search, and did make search. They then accused him of knowing where this negro was, and demanded that he should tell them, and he persisted that he knew nothing about him at all, and they got to bandying words back and forth, disputing what each other said, and in that way it resulted in his being shot. They accused him of knowing where this negro thief was, but he denied it.

Question. All that was a mere pretext, I understand—that there had been no negro thief who was secreted anywhere ?

Answer. O, this negro thief was in jail ; he had been brought out during the evening up to the court-house for some purpose—perhaps to settle a day for his trial—and carried back ; that had occurred and they identified this particular man, whose name I do not remember now. I think this thief was in there for some felony ; he was notorious as a thief.

Question. But he did not escape ?

Answer. No, sir.

Question. That was a mere pretext ?

Answer. They stated that as the jailer or sheriff had carried him back, he had made his escape, but that was not true in point of fact.

Question. Is it likely, that if this attacking party were citizens of Georgia, they would have known these facts, which had transpired at La Fayette ?

Answer. I should think it was ; court was in session and it was in the afternoon that this negro was brought up to the court-house and carried back to the jail again ; and the information I had was that they traveled the road from La Fayette up in that direction that night ; the impression on my mind is, that they were in all probability in La Fayette during the day.

Question. Why may they not have been citizens of La Fayette ?

Answer. They may have been. I do not pretend to say. I merely speak of the impression of the community—that they were persons from Georgia.

Question. Beyond the coroner's inquest and the investigation which had attended it, was there any effort made on the part of the community to discover who these criminals were ?

Answer. I think there was a very general inquiry. There was a large number of persons in attendance on the court there during the time, and I saw a good many persons who seemed to be engaged in inquiring and making investigations ; trying to ascertain who it was. I recollect seeing some young men who were very active ; one man whose two sons had been suspected, took a very active part. I suspected at the time he was trying to ascertain whether his sons were in it or not, but from my knowledge of the man, who is a clever man and a good citizen, subsequent events rather satisfied me that he was in good faith trying to find out who it was.

Question. Suppose instead of Trambles some prominent leading, respectable, white citizen of that community had been killed under similar circumstances, do you not think that the efforts to discover the criminal would have been successful ?

Answer. I do not know, sir. I would say this in answer : that if a very prominent man in any community were to be murdered by any person I suppose there would be greater efforts made than in case of the murder of a person who did not stand so high ; and it might be more likely to be successful under such circumstances. My impression is, from what I know of that community, that about as much effort has been made to ascertain the murderers of this man as is usual in almost any community, and

there may be now, for anything I know, an indictment pending, found by that grand jury.

Question. Would you not have been likely to have heard of it?

Answer. No, sir, not unless the parties had been arrested; there is a fine of \$500 against the clerk or solicitor or any member of the grand jury who discloses the fact of an indictment being found against a party until the party is under arrest; and the officers are bound under their official oaths, and it is required to keep it a secret until the parties are in custody. I understand diligent efforts have been made by the sheriff and Martin, his deputy, to discover these parties.

Question. How do you know of the character and extent of the diligence they employed?

Answer. I only know from what they said.

Question. Are they democrats?

Answer. I think they are now, sir.

Question. Do you belong to that party?

Answer. Yes, sir, I do.

Question. Are you an active member of that party?

Answer. I have taken no particular part in political life since the war.

Question. You are a native of the South?

Answer. I am, sir. I never was in a northern State in my life. I have been a democrat all my life.

Question. You have not much faith, then, in the existence of this Ku-Klux organization?

Answer. Yes, sir, a good deal; but I am satisfied that there is no such organization in Chambers County. My relations with the people of that county are such that if there was such an organization there I am satisfied I should know it.

Question. Is it not a good deal with that organization as it is with the milk-sickness in a neighborhood—that it is always a little beyond—that there is none in that particular locality?

Answer. Well, no, I reckon not; as I stated, my relations with the people of that county are such that I would know it. I should also state that I lived in Eastern Alabama ever since it was settled until I came to Montgomery, in December, 1864, and I used to know almost everybody in that community—in the county. I lived in Randolph, immediately north, ten years. I was one of the first settlers; I lived in Tallapoosa six years, and then in La Fayette twelve years; so I have lived in that region of the country almost all my life, and I have not only been a pretty active lawyer, and practiced in all the courts up there for the last thirty years, but I have also acted in the capacity of a minister of the Gospel, and I have done a great deal of preaching through all that country.

Question. Have you heard of any disturbances of the peace in Tallapoosa County, and where you formerly practiced?

Answer. Yes, sir.

Question. You have heard of disturbances there?

Answer. Yes, sir.

Question. Serious in their character?

Answer. Some of them were.

Question. By men in disguise?

Answer. Yes, sir.

Question. What was the character of the violence inflicted?

Answer. I do not know that I heard of but one case of particular violence; that was the killing of a negro; I heard, though, of men traveling about in disguise up there.

Question. Did you understand upon what mission or errand?

Answer. I think from the information I could get that there were persons traveling around, and where they had heard of any one, white or black, guilty of cutting up particularly, that they were after them; but I will also state, that in the neighborhood in which this thing occurred, some of the citizens there who suspected who they were, just went to them and told them that thing had to be stopped, to stop right short; and from other information I received I am satisfied that the leaders of that concern have left the State, and are gone, and I think are now in the State of Texas. They went from Tallapoosa County to New Orleans. By the way, one of them was a man that I have known very intimately for many years; I was with him in the confederate service, in the army; he was in my regiment.

Question. Did you understand that the outrages committed by this band, or by those bands, made any distinction on account of color or political opinions, in the violence they committed?

Answer. My information was in reference to that, that their object in traveling around was to get at persons who had been guilty of flagrant violations of law and public morals, especially where colored men had insulted white ladies; I think that was the principal thing that they were disposed to make examples for.

Question. Did you understand that they usurped, in any degree, the functions of the

courts, or that they only visited punishment upon that class of offenses not cognizable by the court?

Answer. I do not think I am well informed as to what their real objects were. Those instances I heard of, in which they took any real action at all, were where persons had been guilty of very flagrant outrageous crimes; but even that was stopped by the community, because the laboring population had become alarmed, and were about to leave the community—the negroes particularly.

Question. Were these outrages committed uniformly upon blacks?

Answer. As I stated, I do not remember now of but one outrage that I heard of committed by them; but that they were riding around.

Question. Would a single outrage be sufficient to intimidate the whole community of laboring people so as to cause them to make an exodus?

Answer. No, sir; they went to other places. I spoke of one particular act only; but they went in their disguises to other places, and inquired for other parties, and this fact of their traveling about in disguises produced a terror. There was so much said about Ku-Klux; it has been a theme—like the old plan of scaring children with raw-head and bloody-bones.

Question. Did you understand that these men were in the habit of sending threatening letters, or of leaving notices, or anything of that sort?

Answer. I do not think I heard anything of the sort. There was one man up in that community who just took his double-barrelled gun, (he had a large farm,) and he rode around to the houses where he believed the respective parties lived, and gave notice that this thing must stop, or he would shoot the last one of them. He was rather a terrible man, and they thought “discretion the better part of valor,” and desisted.

Question. How long was it before they desisted? Was it a year or so?

Answer. O, no, sir; only a few weeks.

Question. Any houses burned down?

Answer. No, sir; not that I heard of.

Question. Any assemblies of the people visited?

Answer. None at all.

Question. Were there instances of violence—families visited after night?

Answer. I heard of their riding the road, and calling at houses, and inquiring for particular parties, but no violence was offered. It was supposed that this same party killed a negro after that. I do not know certainly by any means.

Question. To return to the case of Trambles. Do you know anything against the character of this lady teacher?

Answer. As to any particular act?

Question. Anything against her moral character?

Answer. I do not know anything about her at all, only just what I have heard said of her in the community: that she was a woman of low character. I do not know any specific charges.

Question. Was that the subject of conversation until after Trambles's death?

Answer. I do not think I knew anything about her until after that. I do not think I had any knowledge of her until then.

Question. Would the mere fact that she, a white woman, was engaged in the business of teaching a colored school put her under the ban of the community, or any portion of the community?

Answer. I should think likely it would with some portions of the community. I should think likely it would have that effect.

Question. Please designate the portion of the community you refer to?

Answer. I cannot designate the persons.

Question. I ask you to classify them?

Answer. I say this, that throughout the South there are a few persons, in almost any community, that would be prejudicial, to some extent, against a lady engaged in the business of teaching a colored school; that has been the sentiment; it is not so strong now as immediately after the war.

Question. Is this class composed of persons of wealth, intelligence, and influence?

Answer. Not as a general rule. I think the persons of more intelligence, who were better informed, entertained a different opinion; but I spoke of that for the reason that I have occasionally met these questions in the associations of the church organization to which I belong; and these questions have frequently come up, from the close of the war until the present time. I, as an individual, have advocated the idea of our southern ladies and gentlemen turning out and taking charge of these colored school and, sometimes, I have been pretty hotly assailed by some of my brethren for my sentiments on the subject. Generally, persons that are well enough educated entertain the same views I do; but the more ignorant are not so likely to have that sort of views; they have their prejudices, and they are strong.

Question. Did those persons who assailed your views entertain the opinion that

was a low business, a low occupation, for a white person to be engaged in teaching colored children?

Answer. That seemed to be their idea; the first time I recollect anything of the sort occurring was in the fall of 1865, when I attended an association down there at Orion, in Pike County, in which I made a speech in the association advocating that idea. I heard many persons say if I wanted southern ladies to turn out and teach negroes I had better put my own daughters at it—I had grown daughters. I replied that I was very willing to do it when their services were needed.

By Mr. BUCKLEY:

Question. Judge, at that time you were a little in advance of the public sentiment of the community on that subject?

Answer. I think I was.

Question. That spirit, you say, has died out, however?

Answer. Very much indeed. I think the people generally, all over this country, are beginning to entertain the same sentiments I did then. There are, though, a few persons who entertain these same sentiments; there would be some in almost any community, and I suppose it would be so up there.

By the CHAIRMAN:

Question. I understand you to say that your information was that this white lady had ineffectually made application in white families for board; that she was refused, and for that cause was compelled to take board in this negro man's house?

Answer. I do not know that I said that; I understood that she had applied for board in some families in the neighborhood, and had been refused.

Question. Did you understand that the ground of refusal was her occupation—the fact that she, a white woman, was engaged in teaching a colored school?

Answer. I did not understand that that was the reason, sir.

Question. Have you any opinion as to whether that was the reason, or not?

Answer. I think it altogether likely, from what I heard, that that was partly the reason; and it was partly on account of her character; that respectable people did not want such a woman as they understood her to be, possessing such a character as she possessed; they would not want her as a boarder under any circumstances.

Question. What were the specific objections against the woman? What was urged against her at West Point, where she came from?

Answer. I do not know that I heard any particular charges against her except the fact that her associates about West Point, and where she came from, were of a low class of persons; that she associated with a low class of persons, and not with those who stood well in society. I do not know that I heard any specific charges against her at all; the only thing was that her associations since she had been in the country were of such a class that respectable people did not like to associate with her.

Question. Did not this killing occur shortly before the election last fall?

Answer. I suppose it did. I think it was in October; it may have been at the spring term of the court, but I think it was at the fall term in October.

Question. Was the public meeting at La Fayette, at which the colored man was killed, also upon the eve of the election?

Answer. I think so; it was a public meeting for the purpose of public speaking.

Question. You did not hear that the negro killed had been knocked down by Adams with a club, and that he was in the act of making his escape from the crowd at the time he was shot down?

Answer. I do not recollect about the knocking down; he may have been knocked down; my information was that he made battle at Adams.

Question. And that he was shot in the act of resisting his arrest?

Answer. Adams may have struck him; the impression made upon me was that Adams was acting in self-defense.

Question. Did you understand that the man killed had a weapon?

Answer. I think so.

Question. A pistol or knife?

Answer. I am not sure.

Question. And that he had drawn his weapon out there at the time?

Answer. I think so, and I think that Adams was regarded in the community there as justifiable in shooting in order to protect his own life; and Adams came near being killed there at that time, and was laid up for a good while.

Question. By whom; by this man, or others?

Answer. I think perhaps by the mob generally. I do not know whether by this man or others; they would have assassinated him—there is no doubt about it in the world—if other negroes as well as white people had not protected him; there were not white people enough to protect him.

Question. Did you understand that this assault upon him was made exclusively by negroes?

Answer. Yes, sir.

Question. This was a negro meeting?

Answer. Yes, sir.

Question. And some whites attended it?

Answer. Yes, sir.

Question. Were the whites democrats or republicans?

Answer. Some of both; it was a republican meeting, however.

Question. You never understood that the interrupting negro was a democrat?

Answer. No, sir; I do not think I ever did.

Question. You never heard that he was sent there by the Democrats to interrupt the speaker?

Answer. No, sir; I never heard such a thing hinted by anybody.

Question. How many were engaged in this effort to rescue the man killed, or in the assault upon the marshal, which was attempted?

Answer. I cannot say as to number. It was a very large number; it was a mob.

Question. Was this in a grove or building?

Answer. It was in a grove, sir, out near a building—the school edifice they have there for the colored people. I say a school edifice; it is used both for school and church purposes; it was formerly the female academy of La Fayette.

Question. What has become of the prosecutions against the negroes who were concerned in this rescue, or attempt to rescue?

Answer. I expect, sir, that they are still pending, and will be tried, likely, this week; that court is now in session, and this is the criminal week of that court.

Question. Were they committed to jail?

Answer. I think one is in jail; I do not know but others.

Question. Do you recollect the number under prosecution?

Answer. I do not think I have been informed. The matter was before the grand jury at the last term of the court, I think, but I do not know, not having been employed in any of the cases. I never looked into them at all, but knowing Mr. Adams as I did, as a clever, nice young man, and knowing his father, and having known his father and mother many years, particular friends of mine, I felt some interest.

Question. If it should transpire that the man killed was unarmed, and had no weapon on his person, would you regard it as a case of self-defense on the part of Adams to shoot this man down?

Answer. It might be connected with the other facts; if this man was making at him to make fight, as one of the mob that were making fight and making an effort to rescue him, and their numbers were greater than Mr. Adams could contend with, I think it might be self-defense; but if he was only endeavoring to get away, I do not think it would be.

Question. In what way was Adams injured; was he shot or knifed?

Answer. I do not remember whether he was shot or cut with a knife; he was beaten over the head with sticks, and had a number of wounds upon him, and was severely injured, and confined to his bed a long time.

By Mr. BLAIR:

Question. Upon whose application was Adams present?

Answer. The application of the persons who had gotten up the meeting.

Question. The republican managers?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know or have you ever heard of any attempt of employers of colored men to control their action and will, as voters, by threats of discharge or other oppressive means?

Answer. I do not, sir, know of any such instance at all.

Question. Have you ever noticed any discrimination made on account of color or political opinion in the administration of justice in the course of your practice or otherwise?

Answer. I do not remember of any instance of it, sir. I have occasionally—but no I do not think it was hardly on account of color, either, but on account of character. I think an upright colored man can get as full and ample justice in the courts where practice as a white man, and I think that a republican can in any of our courts, so far as I know, if he is a man of good, correct character.

Question. Do you think Mr. Trambles, with his odious doctrines, would have stood fair chance in a court of justice?

Answer. I do not think he would if he held those doctrines, nor do I think he would if he had been a white man either.

Question. Have you known of any case in which men banded together, whether disguised or undisguised, and committing, under cover of the night or in the daylight

violence upon the persons of Union men, black or white, have ever been brought to punishment?

Answer. I do not think I have, for I do not think I have known of the instances in which those things have occurred.

MONTGOMERY, ALABAMA, *October 20, 1871.*

DANIEL TAYLOR sworn and examined.

By the CHAIRMAN:

Question. Please to state your residence.

Answer. My residence has been Tallapoosa County for fourteen or fifteen years. At this time my family is living in Opelika. I spend most of my time in Tallapoosa County, I think. I do not know which would be my residence, for I have my family there, to school my children; but I spend most of my time on my plantation, where my business is.

Question. Are you a native of the South?

Answer. Yes, sir; I was born in Georgia, and principally raised in Alabama.

Question. Is your occupation that of a planter?

Answer. Yes, sir.

Question. With which party do you affiliate?

Answer. With the democrats. I have been a democrat all my life.

Question. We wish to inquire into the condition of that part of Alabama where you live, so far as regards the execution of laws and the safety of the lives and property of citizens of the United States. Please give the committee any information you have on that subject derived from your personal knowledge, or from such sources of information as you deem reliable.

Answer. Right now, at this time, I do not know of anything of the sort being in existence, but some nine, ten, or twelve months ago there was, as I think and believe, an organization of that sort.

Question. Do you refer to an organization popularly known as the Ku-Klux organization?

Answer. Yes, sir; that was the name it went by.

Question. Now, you may give the evidence upon which you base that opinion that it once existed there.

Answer. What caused me to believe that such a thing was in existence?

Question. Yes, sir.

Answer. Well, the first knowledge I ever had of such a thing was, I heard of a man named John T. Wright; I knew him when I saw him; he was called the leader of a concern called the Black Cavalry soon after the surrender, and which lasted for a while; I do not know how long; I never saw any of them when they were out on duty or anything of the sort. After a while that seemed to die out, and we had no more talk of it, and the next thing I heard of was the Ku-Klux. Last year I had a man living on my place, named Imeon Orr, and a couple of his sons, during the court—I do not know whether at the spring or fall term of the circuit court—when this John T. Wright was there; as this man Orr told me, Wright was drumming up for recruits, and asked Sim Orr to join it.

Answer. Recruits for what organization?

Question. To the Ku-Klux, and he gave Orr a copy of the obligation that they all took, one to another, explaining that if they divulged on each other they would suffer their brains to be shot out. Orr got drunk, and he was a man who drank up a good deal of whisky, and went up to Daviston, and was trying to enlist some men in the order and became very zealous. He approached some men and tried to get them to join it, and they told him they did not know whether they wanted to join it or not; but he insisted, and went so far as to tell them that he would read the obligation to them, and leave it optional to them to accept or not. After hearing it they refused. I was then there I got my starting-point. But just before I came in possession of this last thing that I have stated, one of my neighbors, named Meadows, had some negroes hired to work on his farm with him, and this company went there one night in disguise and called Meadows out and talked to him, and threatened him pretty severely. After they got through with him they went and took a negro girl out that he had and whipped her pretty severely, and told her that she had to leave the country, and they did not intend any negro should stay in the community. She took them at their word, and the next day, Sunday, she put out. After they had whipped her they went back. They took Meadows out a second time and told him if he did not behave himself what they would do with him. The next Saturday night following, a company of them passed my place and went up to a widow lady's that I had on my place; her little boys worked with me; they called her out and pretended that they were strangers in the

country and did not know the way to Daviston, and made some inquiries, and plagued the old lady right smartly, and they went on to Daviston. There is a Squire Brewer up here that drinks too much whisky, and is said to be cruel to his family at times. They called him out and gave him a lecture; told him if he did not treat his family better what they would do with him. They scared him pretty badly, but did not hurt him, and went on about their business. The next Monday morning, one of these young Orrs came by my place, going to another place on the plantation; the plantation reaches four miles and a half up the creek. It seemed that this young man was afraid that they had passed my place, without the negroes knowing anything about it. At all events he asked the negroes if they knew the Ku-Klux had passed by there Saturday. The negroes told him they had. Then, when his father came on, I do not remember whether it was Monday evening or Tuesday evening, I stopped him and interrogated him. I took him off to himself, and put some very direct questions to him in a positive way, and drew out of him by myself, when we were alone, about this man John Wright initiating him at Dadeville court. I do not remember whether it was the spring term or fall term, but this took place in the fall of the year, not far from twelve months ago. There I drew out of him how he came to his position as captain of the concern in my neighborhood, and I told him I thought the thing was injuring the men who wanted to have their farms cultivated by freedmen; that I wanted my negroes let alone as long as they behaved themselves, and when they did not behave themselves I was in favor of making them do it, as well as anybody else. Right there is where I got from him the position he held. That is about as much as I know that I could testify to positively. I have heard a good many outside reports. This man, John T. Wright, has now gone to Texas, as I understand.

Question. Have you related to the committee all the instances that you now remember, of which you have any information, of the visits made by these Ku-Klux?

Answer. I have heard of others by rumor.

Question. You may state the rumors, if you deem them reliable. You may state their substance.

Answer. I have heard of similar organizations passing about in the neighborhood of Youngsville, sixteen or seventeen miles from my neighborhood. I heard of a company riding over in there one night. I could not say whether I heard that they whipped any negroes that I know of, but they run a good many of them out into the woods and got them pretty badly scared. I heard that some of the negroes were going to leave that portion of the country, and I, being a little scarce of hands, thought it was a good time for me to drive into that section of the country and get some of these hands who were going to leave. That led me to that neighborhood a few days afterwards. While I was there I saw some negroes who seemed uneasy. I did not find anybody hurt, but they were scared, and talked about leaving. I went to a man's plantation named Harroll, and I was talking to him about it. He said that when he first saw me he concluded I was one of these Ku-Klux, and sent these men over there for the purpose of bringing about this disturbance among the negroes, in order to get them away, but after talking with him a while I satisfied him on that point. I gave him my opinion of the Ku-Klux; assured him that I hated them as bad as I did the devil himself, and I told him the truth when I said so. After talking with him, and getting him to fully understand my position, I told him I did not come there to take his hands, or anybody else's hands, but that if they were going to change homes I thought I had as much right to get them as anybody else. Then he went on and told me what he knew about these men, and he went over a good many names in his neighborhood that he knew belonged to the order, and he said that he had seen them out on duty in their uniforms, and that in one or two instances they were a little free. He did not recognize them properly, but they held up their veils over their faces and asked him if he knew who they were, and he told them he did. That is about all I know about that section of country.

By Mr. BLAIR:

Question. Where did Harroll live?

Answer. I think he lived right over on the line in Coosa County; I don't remember how far from Youngsville, but I think his post-office in Nixburg. His name is R. D. Harroll.

By the CHAIRMAN:

Question. What kind of men went into this organization, so far as you ascertain from Harroll and other sources?

Answer. As far as my opinion and observation extend, they are the lowest-down meanest characters that we have got among us. I do not know any honorable man that belongs to them, or who was ever connected with them in any way.

Question. All white men?

Answer. All white men.

Question. Generally renters?

Answer. Some of them were, and some of them own little places of their own ; some of such men as you have seen from pillar to post, with no occupation of any sort.

Question. What seemed to be their purpose in alarming the negroes ?

Answer. I do not know whether I could answer that question satisfactorily or not. I do not know that I have an opinion to satisfy myself about that. Sometimes I thought that that class of men believed after the surrender, when the negroes were set free, that they would fetch everybody else down to a level with themselves. Instead of trying to build up, I think their intention was to pull down, thinking, maybe, that by running the negroes out of the neighborhood it would make labor scarce, and they could pick a choice of the land in the neighborhood. They will not cultivate anybody else's land if you will let them have it. They will go and butcher it up and make their expenses, but not more than their income. They are no benefit to themselves or anybody else.

Question. Would you prefer negro labor to that class ?

Answer. Negroes are the best. I have tried both.

Question. Did they seem prejudiced against the negroes on account of their being vested with the privilege of suffrage ?

Answer. I do not know that I could say that. I do not believe that when that thing was first thought of, when it first commenced, they had any bad intentions in view. When the negroes were first set free, you know there were some men around here rather demoralized the negroes, and made them think that negroes were better than white folks. If you do not know so I do. This class of men raised a sort of prejudice, thinking that there was going to be an attempt made to put the negro above the white man. I think that when that thing first started, it was to make the negroes behave themselves. Some of the negroes were mighty saucy and impudent, and hard to put up with. I think the thing started to let the negro know that he must keep his place, but they went on from one step to another. There was at one time, I think, better men engaged in it than toward the last. As the time passed off for such things as that, when they thought it was necessary to make the negro behave, the good men dropped out, and it went into the hands of these other characters I spoke of. I think their intention was to run the negro labor entirely out of the country, making the men that had land let them have it as they pleased. I do not know whether that is correct or not, but that is my idea.

Question. When was it that you visited Mr. Harroll, and had this conversation with him, and he imparted this information to you in regard to the existence of this order in Coosa County ?

Answer. I reckon it was in December last. I know it was just before Christmas, while I was trying to get up hands to make this present crop.

Question. Did you find that the alarm was pretty general in that neighborhood among the negroes on account of these Ku-Klux ridings ?

Answer. Well, I did not see a great many negroes, but I saw this man Harroll. I saw the impression I made upon him in putting myself right with him. I was talking with him in presence of the negroes. I told him that I wanted him and the negroes to know exactly my position, and in explaining it to him it seemed to satisfy the negroes, and I said, " Mr. Harroll, if your negroes are satisfied I would not take one of them. They should not go with me if they wanted to." My satisfying Mr. Harroll seemed to satisfy them, and they remained. I said, " If they are willing to remain I will go right off, and not try to get any more hands." I had seen two or three negroes before I saw this man Harroll. The two or three I had seen before this talked like they were frightened. The others seemed to think that if they behaved themselves they would be in no further danger. I think that was the general impression among the negroes, that as long as the negro behaved himself he was safe.

Question. Have you any information as to the condition of that neighborhood since ?

Answer. No, sir ; I have not been back since, but not hearing of any disturbance I take it for granted there has been none.

Question. You spoke about Meadows's daughter being whipped ?

Answer. No, sir ; it was a negro girl he had with him.

Question. Was Meadows a white man ?

Answer. Yes, sir.

Question. What was she whipped for ?

Answer. That is rumor, but I do not know anything about that as a fact.

Question. Did you understand how numerous that band was who visited Meadows's house and inflicted this whipping ?

Answer. There were eight or ten of them, Meadows told me.

Question. Disguised ?

Answer. Yes, sir.

Question. Armed ?

Answer. Not that he saw. He did not see any armed.

Question. What did they do at Brewer's ?

Answer. They only called him and asked him how he and his wife were getting along.

Question. Did they leave any threats?

Answer. I do not think they left any threats. If they did I do not remember now. They asked if he had not been mistreating his wife.

Question. Did they interfere with your negroes at the time they came past your place?

Answer. No, sir; I got a talk with a man after that, and was rather accusing him of being in the company, though rather in a friendly way. I was satisfied then, and am yet, that he was one of the men.

Question. I should like you to give the names, as far as you are able to recall them, of the men whom you suppose to belong to that organization in Tallapoosa County?

Answer. That did belong to it or who belong to it now?

Question. Those who belonged to it and those who belong to it now?

Answer. I do not know whether there is such an organization at this time or not. I have not heard of it since last fall; that place over in Harroll's neighborhood is the last riding that I have heard of. Sim. Orr is the man I have been speaking about and Lonz. Bosworth. Orr was captain, and Bosworth the lieutenant; they called him Lon. Then there was John Orr, Lon. Orr, William Patridge, Neil Harkins, Red Galloway—they called him "Red;" I hardly know what his name was; Rufus Sturdevant, John T. Wright, he has now left the country and gone; B. L. Coker, Frank Moore, Bob Yates, Ben. Jarvis, Taylor Jarvis, Newton Jarvis, John Harkins, and Bob Harkins.

Question. At what time, so far as your information extends, were these men members of that order?

Answer. Well, they were all on duty last fall.

Question. Was that order in a greater state of activity before the election in November than afterward?

Answer. No, sir; I think it all occurred after the election.

Question. You have not heard of any operations of this order this year?

Answer. No, sir; not a word of them.

By Mr. BUCKLEY:

Question. Do you employ quite a number of hands, Colonel Taylor, upon your plantation?

Answer. Yes, sir; I employ right smart of them.

Question. What effect has this riding over the county by disguised men had upon the labor of that section of your county? Does it have a tendency to disturb, or to make labor scarce?

Answer. The freedmen you speak of?

Question. Yes, sir.

Answer. It has run the larger portion of the freedmen out of our neighborhood.

Question. That, of course, is injurious to the planting interests of the county?

Answer. I think so, sir.

Question. Do they leave because of this feeling of insecurity?

Answer. That is what they say.

Question. Is that your own opinion?

Answer. That is my own opinion, and I have some negroes. Now when they whipped this negro girl, she put out the next day, she and her mother, and when they were going on between there and Opelika she met some negroes, as those negroes have told me since, who were on their way up to my place, coming up to look, and if they liked it, they were going to bring up a good many others. When they met these women and heard their statement, they turned around and went back, and never came at all. This fall, not more than four or five weeks ago, I saw those two fellows that were coming up, and they told me about the circumstances. They said they intended to come back this fall; they understood the thing had all blown over; that there were no Ku-Klux there now, and if that was the case they would come up there this fall.

Question. Do you think if there is no more Ku-Kluxing, or riding about, you will be able to stock your place with hands?

Answer. I think so, and my neighbors will too.

Question. Where has this labor gone?

Answer. Down to Opelika and around there.

Question. Gone to towns?

Answer. Near towns; some go one place and some another.

Question. Did you hear this obligation of the organization read?

Answer. No, sir; but I have seen men who have heard it read.

Question. Do you know anything of the nature of that obligation or oath?

Answer. The parties were telling me about it. I cannot recollect it all very well. They took a solemn obligation that if they divulged or told anything, they would suffer their brains to be shot out. That was about the strongest obligation that I remember.

Question. Is not that about as strong as it could be made?

Answer. I think so. They had pass-words too, by which they could recognize each other in the dark, if they heard them speak.

Question. What has been the conduct of the colored people up in that county for two or three years back?

Answer. As a general thing it has been tolerably good. Once in a while there were some that would not behave well, and did a great many things they ought not to. Some would steal, and some would sauce white folks, and once in a while I have heard of them attempting to commit rapes, &c. But that is rather a seldom occurrence; as a mass, they behave themselves generally better than they do about the towns.

Question. Are they generally liked as laborers by the planters?

Answer. The most of them are. Some of them are lazy, but generally they work well. I work sixty to seventy hands, and for two years I have worked white labor altogether, but this year I have had about half of my labor negroes, and the other half white, and I like the negroes the best; they make me better hands.

By the CHAIRMAN:

Question. In relation to this obligation, as it was repeated to you, was it a part of that oath that they were to execute or carry into effect the order of the den, or Klan, or order, whatever it was?

Answer. No, sir; my recollection is that there was nothing obligatory upon them to carry out anything at all, only they enjoined it on themselves that they should tell nothing. Their object was that they did not want anybody to know who these men were.

Question. Do you understand how they formed their plans by executing any particular piece of mischief, who controlled the action of the members of the order, whether they had a chief or not?

Answer. This man Wright, I understood, was the chief.

Question. Did you understand that they had regular meetings?

Answer. No, sir; I did not hear that they had regular meetings; I heard that when they went riding, to go anywhere, they had a place appointed to meet. I do not know whether they met at the same place every time, but of course they had some place where they all got together.

Question. Whatever they did on their raid, did you understand it was the result of a joint consultation when they met together, or did some chief direct the operations?

Answer. I am of opinion that each squad had his own fun and amusement whenever they got together. For instance, this man Orr was captain, and when they took a notion to have an amusement they would see each other a day or two before, and appoint a place of meeting, and all meet together. That is my idea about it.

Question. Has any effort been made in the courts, so far as you know, to break up this organization or punish them for any misdeeds they have committed?

Answer. None that I know of. I have made the only effort that I know of to stop it. I do not know of anything else except what I did myself. I told this man Orr that if he rode there again it would be the last riding he would ever do; that he should not ride there any more. I wanted him to quit it, and I told him he must quit it.

Question. Who is this Orr; what is his occupation?

Answer. Well, he is a carpenter by trade, and sometimes farms it. He is a tolerable workman, and a pretty good farmer, and a pretty good whisky-drinker.

Question. Is he a young man?

Answer. No, sir; an old man. He has grown children. He has three sons about grown.

Question. Is he a man prejudiced against negroes?

Answer. Well, I do not know whether he is or not.

By Mr. BLAIR:

Question. Do you think this organization had any political object?

Answer. I do not think it did, sir; I do not think it did. As to the most of the men who were in it, I do not think they had any politics at stake at all. I think it was just a notion to run the negroes out of the country, that they might butcher up the land themselves.

Question. Was this man Brewer a republican?

Answer. No, sir.

Question. They threatened him?

Answer. Yes, sir.

Question. Were any of the parties that were threatened there republicans?

Answer. No, sir; all democrats. Mr. Meadows was a democrat, and always has been, and so is Mr. Brewer.

Question. Over in Coosa, where you went, did you find that there was any political object there?

Answer. No, sir.

Question. Was this gentleman, with whom you talked there about the Ku-Klux disturbing his labor, a democrat?

Answer. I could not say whether he was or not.

Question. What was his name?

Answer. R. D. Harroll.

Question. Did he say anything on the subject of politics?

Answer. No, sir.

Question. Did he intimate in his complaints against these people that they had any political objects whatever?

Answer. No, sir.

Question. Have you ever heard it stated in reference to either of these counties that these people had political objects to subserve?

Answer. No, sir; I never have heard it connected with politics at all, and my honest opinion is that it had no connection with politics.

Question. I would ask you in reference to the farming interests of that country, whether it is not very difficult for you to keep stock of any kinds upon your farms now?

Answer. My stock is not interfered with. They are neglected to a very considerable extent. I am not as successful in raising my stock as I would be if I could have them better attended to. I hear a great deal about negroes stealing stock and killing them up in other sections of the country, but not on my place and neighborhood.

Question. Is it not a general complaint?

Answer. Yes, sir; I think it is a general complaint through the country.

Question. That there is a kind of lawlessness among the negroes, and that it is difficult, if not impossible, to raise meat through the country?

Answer. Yes, sir. I know a number of farmers that used to be very successful farmers, and always raised plenty of their own meat and corn, who say they cannot raise hogs or cows; that the negroes kill them up. I know a number of farmers who say that.

Question. What do they attribute it to?

Answer. I think they attribute it to the fact that they cannot control the negroes and keep them from stealing it.

Question. They will steal?

Answer. The negroes will not work, will not make something to eat, and they must live.

Question. And do steal?

Answer. They do steal; there is no doubt about that.

Question. Does this condition of affairs produce dissatisfaction?

Answer. Well, of course it does, and it has a great tendency to dishearten a great many farmers. Men who had been successful farmers, a great many of them are wanting to abandon their business and go at something else.

Question. Is it because of the ill-treatment which negroes in many instances receive?

Answer. I think not.

Question. What is the cause of this ill-treatment of the negroes, if that is not the cause?

Answer. I do not think the negroes are ill-treated.

Question. In the instances in which they are?

Answer. It is the conduct on the negro's part; where he commits an outrage of any sort, of course the white people do not like it, and they want to try to make him do better.

Question. Is there a belief that there are persons in the country who think political parties put the negroes up to this kind of devilment?

Answer. Yes, sir; it has been thought so.

Question. Is there ground for that belief?

Answer. I have thought so some time back.

Question. Everything that causes ill-feeling between the whites and blacks is availed of by a certain class of politicians for political purposes, is it not?

Answer. Yes, sir; as I stated some time back, there was a time when there were some men going through the country who made the negro believe that he was the white man's superior, and that he ought not to listen to what a white man would say, but go along and have his own way. They made them impudent, and caused many of them to commit crimes, I think, that they never would have thought of—talking to them in that way.

Question. Did they talk to them in a way to make them believe it was right for them to take this property?

Answer. I have heard of such things being stated, and I heard one or two negroes say that there had been men who had passed through the country and told them that the Government was going to take the white men's land away from them and give every negro forty acres of land and a mule, and divide the stock out among them; and the negroes fully expected for a time that they would get it.

Question. What class of persons was it that distilled these ideas into the negroes?

Answer. Well, I saw a man here to-day that I think has done more of it than any other man I ever saw or heard of.

Question. Who is that man?

Answer. Mr. Norris. I have heard more talk of him among the negroes than all the other men put together.

Question. In this respect?

Answer. Yes, sir.

Question. In distracting the negroes with these false ideas?

Answer. Yes, sir; the negroes that had not talked with him had talked with other negroes that had talked with Mr. Norris, and it all came from him, I understand. I cannot state that that is correct, but the negroes came to me and gave it second or third handed from him that these forty acres of land and a mule, and other stock, were to be divided out among them; that they had worked to help the former master to get all this property, and had a better right to it than he had; and that the time had come when they were to get it.

Question. And they might supply themselves in the mean time?

Answer. Well, that was the idea that was held out to them; that is what I had reference to when I said there were men talking to the negroes and trying to make them believe they were the white man's superior, and that all these things would come to pass after a while.

Question. Does not this kind of talk do as much to disorganize the labor as the operations of this band you spoke of?

Answer. I think so.

Question. Has it not more influence with the negro than anything else that is said.

Answer. Yes; and I have always believed and said, time and again, that if there was not such an influence being used among the negroes from the start they would have behaved themselves and worked better, and we would all have been in a better condition to-day. I do not think they would have left their homes, or if they had left their homes, they would have gone to some neighbor and complied with their contracts and been settled down and been doing well; much better than they are doing.

Question. This you consider the prolific source of the discontent and disturbance among the negroes in this State?

Answer. I do think so.

Question. You say this man Wright has gone from the State?

Answer. Yes, sir.

Question. Do you think there is any organization of this kind in your county now?

Answer. Not that I know of. I have not heard a word of it since last winter.

By the CHAIRMAN:

Question. Do you not think that if there had been a combined effort upon the part of the influential men in the community to put down this Ku-Kluxism, that if others had done as you did, it might have been stopped long ago?

Answer. If they had known how to get at it. I feel that I am the first man who ever got any of their names. You see they always tried to keep secret and not let anybody out of their company know who they were, or at what time they went, or where. They had these disguises, and their horses were disguised. They had a white sheet of some description thrown over the horses, and they put some goods, a sort of snuff-colored goods, on, and had a large wrapper made that came around the throats and around the shoulders and dropped down to below the knees, that covered them; and a large hat of some description, and veil that came down over the face and breast, with eye-holes cut through; that was the veil that one or two of these men raised to this man Horrall, and asked him if he knew them; but I never saw one of these uniforms in my life.

Question. Supposing the good men in the community had met together and adopted resolutions denouncing this organization and its practices, and resolved that they would use every effort to ferret out their crimes and bring them to justice, do you not think that such a decided and earnest step would, of itself, have caused this organization to disband?

Answer. Well, I do not know what to say about that; it is right hard for men to go and take a stand against something they know so little about. They once in a while hear of these men riding, but do not know where they come from, or who they are, or anything about it.

Question. But they knew they were exercising a very pernicious effect upon their labor, and injuring the industries of the country?

Answer. They ought to have known it.

Question. If they had obeyed the law of their own interests, and done as I have said, do you not think it would have had the effect of intimidating these Ku-Klux, and causing them to desist?

Answer. Yes; but then, you know, if every man would do his duty we would have a heap better time than we do. But there is a great disadvantage about that. There are so many men who are slow to act, who are so slow to do what they even know they ought to do, that these little things go by. What is everybody's business is nobody's

business; and then men were really afraid they might insult or offend some neighbor, and sustain some little injury from it some day.

Question. Afraid that these Ku-Klux might visit them?

Answer. Yes, sir; they did not know but what they might do it.

Question. You say there was great complaint about negroes killing stock; how far back was this?

Answer. I have heard of that complaint ever since the surrender, and I even hear it up to the present time, but not right immediately in my neighborhood, because we have comparatively few negroes up here; as I say, they have been run out.

Question. Is there any more difficulty in discovering the men who have stolen or killed stock than there is in proving ordinary crimes and misdemeanors?

Answer. I do not know, sir; not having anything of the sort to ferret out myself, I do not know how to answer that question.

Question. Have you known any negroes being arrested and punished for killing stock?

Answer. I know one negro who was arrested a short time back for going into a man's smoke-house and stealing out a side of meat.

Question. Did not these petty larcenies exist before the war?

Answer. To some extent they did.

Question. Was not stealing meat out of smoke-houses a very common offense?

Answer. I heard of such things before.

Question. Does it exist to a greater degree since the war than before?

Answer. Not in stealing meat from meat-houses. I do not think it is as much as before.

By Mr. BLAIR:

Question. They do not have a great deal?

Answer. No, sir; but out in the woods, or on the plantations, it does go to a great deal greater extent; so much so that many planters have given up raising provisions.

By Mr. BUCKLEY:

Question. Have not many planters given up planting corn, &c., in order to plant cotton, which is higher priced?

Answer. Yes. I have asked my acquaintances out in my immediate neighborhood their reasons for doing that. I have been somewhat opposed to that kind of farming; before the war, I never bought a bushel of corn or pound of bacon; I always raised it at home; but since then I have been falling into the channel, like my neighbors. Now I am planting a little more corn, and raising more stock. I asked my neighbors why they did not do it. They told me they would do that thing if they had any assurance of keeping the hogs after they started, but when they got them in a good thrifty condition, they began to drop off, and the first thing they knew they were all gone, and it was the same way even with the cows.

By the CHAIRMAN:

Question. Was there not a failure of crops for three years after the war, and a great deal of destitution among the negroes?

Answer. Yes, sir; but negroes that would go and settle down on plantations and work and stay there always had plenty to eat. The white men who employed them felt bound to keep them in plenty to eat and good clothes to wear when they would stay with them; but if a man was trying to make a negro work, and talked a little short to the negro, he would pick up and go somewhere else, very often when a man had made preparations to go on; and when they left him it would sometimes leave him a little scanty.

Question. Was it not possible that actual destitution immediately after the war was often the cause of their taking stock in order to supply their immediate wants?

Answer. It may be that because they got hungry they would go and steal, but I do not think there was any necessity for getting hungry.

Question. Was not labor very much demoralized after the war, and was it not some time before the industries of the country were regularly organized?

Answer. Yes, sir; but I have never known the time when a negro could not get work to do, if he would do it.

By Mr. BLAIR:

Question. Did they not have the Freedmen's Bureau to apply to to feed them?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did not the Freedmen's Bureau feed a great many white people?

Answer. Yes, sir; and caused them to do without a great deal of labor that they could have got before that. The negroes would quit and go off for this Bureau when they should have had a dependence in the country. They depended upon the Bureau for rations.

By the CHAIRMAN :

Question. Were there not many cases where the employers cheated the negroes out of their labor ?

Answer. That has been said, but I do think the case was that the negroes cheated the owners out of their work. In my honest opinion, the truth is, the negroes cheated the farmers out of their labor. The planters had nothing to pay them with. The negroes generally hired for a part of the crop, and then they fed themselves. The negroes were to pay for their provisions out of their part of the crop, and they did not go on making their crop, so that their part of the crop was not sufficient to pay the owner the amount that was due him for the land and stock and the advance. None of the farmers, or few of them, are making anything now. I think they are every day losing ground; that is my experience; not getting pay for their land or stock either.

Question. You never heard any white men advise the negroes that they had the right to supply themselves as they needed from the property of the white owners, did you ?

Answer. I never heard the white men advise them that way, but I have heard negroes say they had advised that way.

Question. In public addresses by speakers ?

Answer. Yes, sir; and by private counsel.

Question. You have referred to Major Norris. You never heard him utter any such sentiment as you have ascribed to him, did you ?

Answer. No, sir; I always tried to keep from hearing anything he had to say.

Question. You never heard any of his political addresses ?

Answer. I did hear something of a speech one time in Dadesville, or part of it; not much.

Question. Did you ever understand that he gave any such advice to the negroes in any of his public addresses ?

Answer. I do not know; I do not remember that I ever did.

Question. Did you ever hear that any white man had, in any public address, advised the negroes that the Government would supply them with forty acres of land and a mule ?

Answer. Not that I remember.

By Mr. BLAIR :

Question. Was not the belief almost universal among the negroes that these forty acres of land and a mule were to be given to each of them ?

Answer. I think it was, as far as I was able to ascertain; and I have been told that there were men that sold the negro a little striped stick for four or five dollars, and would tell the negro that he had nothing to do but to go and stick that down somewhere in the forty acres he wanted, and that would be a *bona fide* title to the land.

Question. People traveled around with these sticks and sold them to the negroes, telling them that they were to stake out their land with them ?

Answer. Yes.

Question. Do you believe it possible that such an impression could have got abroad among the negroes unless propagated by white persons ?

Answer. No, sir; I do not think they would have ever thought of it.

Question. It never would have occurred to them ?

Answer. I do not think it would. I do not think they would have ever conceived the idea at all that they would have got anything that their former owners ever had. I think they would not have thought of anything else but their freedom. They had that much, and would have been content with it, and thought that was all they had any right to, if these tales had not been told to them.

Question. If the people who went around propagating this idea, and the other mischievous notions you have spoken of in regard to their right to take the property of their neighbors, had not been rewarded with all the offices of the State, and seats in Congress, and thus encouraged, do you not think the condition of affairs in this State would have been better ?

Answer. Yes, sir.

Question. Do you not think that is the crying evil in the condition of the southern people ?

Answer. Yes, sir; I think that has had a great deal to do with it.

Question. That that character of men have obtained power and position by conducting themselves as you have represented, prowling around among the negroes propagating among them these ideas to which you have referred ?

Answer. Yes, sir.

By the CHAIRMAN :

Question. Do you know that any such characters were put in office ?

Answer. Well, I have heard that Mr. Norris was put in office.

By Mr. BLAIR :

Question. He was your member of Congress ?

Answer. I think he was sent to Congress from my district.

By the CHAIRMAN :

Question. What other men that propagated such ideas have been elevated to office ?

Answer. I do not know, sir. Most of these things I have been telling you come from this man Mr. Norris. I could never trace it back to anybody but him, but I have heard it rumored that there were other men going about on the same business.

By Mr. BLAIR :

Question. Selling sticks ?

Answer. Yes, sir.

By the CHAIRMAN :

Question. Did you ever hear that he sold sticks ?

Answer. No, sir ; but they had the idea, of course. If they have the idea that they can go to a place and enter forty acres of land, a man might tell them where to go, and send them to another man to have their title fixed up. We were told when we came as pioneers that we could have land for a dollar and a quarter an acre, but then we had to learn where to go and get our titles to our places.

By Mr. BLAIR :

Question. You think Norris opened the business ?

Answer. Yes, sir ; and they went to somebody else to get the title.

By the CHAIRMAN :

Question. Is it not possible that Major Norris has been very much slandered ?

Answer. It may be.

By Mr. BLAIR :

Question. But it is impossible that such an idea could have got such a hold on the negroes without having been propagated from some source ?

Answer. I think there is a great deal of truth in what I heard, from the fact that it had such an effect. I am obliged to think so.

By the CHAIRMAN :

Question. There was a general refusal, was there not, on the part of the active whites to take office after the new constitution had been adopted, the outside pressure being so great that no respectable white man living here in the South would be allowed to hold office ?

Answer. I think the general impression was that a respectable man could not get an office. That is what I thought, and that is what I heard them say.

Question. Do you not know of cases where respectable men, natives of the South, had been nominated in convention to offices, and were compelled to decline on account of their fear of ostracism ?

Answer. I do not know that I have.

Question. You know of no such case ?

Answer. Not that I remember.

Question. You have heard of none ?

Answer. None that I remember. Now there may have been men nominated and started on the race who began to think they could not get elected, and backed down, but I do not know any such case just now.

Question. The white people did not present any candidates of their own under that constitution, did they ?

Answer. What portion do you speak of ? What part of the constitution have you reference to ?

Question. I refer to the constitution of 1868.

Answer. What sort of an oath would a man have had to have taken before he could have had an office, even supposing he had been elected ?

Question. I have not that oath before me now ; I suppose you have read the oath required of registered voters. You refer to that oath, I suppose ?

Answer. I have heard of so many oaths and seen them that I do not know which ones you have reference to, and I hardly know how to answer your questions.

Question. Do you know as a matter of fact that the white people of Alabama refused to take any part in nominating persons to fill the offices under the new State constitution ?

Answer. My opinion is that the reason they refused to do that was because they could not hold the offices. They did not think they had the right to have an office.

Question. Do you mean to say they all regarded themselves as disqualified from holding office ?

Answer. I think they would have had to take some kind of an oath they did not feel disposed to take.

By Mr. BLAIR:

Question. They could not truthfully have taken it?

Answer. No, sir.

Question. To bring it to your memory, was it not the fact that the democrats in Alabama decided upon the policy of abstaining from voting upon that constitution, because, under the act of Congress, it required a majority of the registered voters to adopt it, and they hoped to defeat it, and did defeat it in that way?

Answer. Now I understand you. Yes, sir. I know of large numbers of men that did not vote, thinking that they would win the election by not voting.

Question. They actually won it, and the constitution was defeated; and, nevertheless, it was forced upon them by Congress, with a whole batch of officers elected under it in that way?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Could you not have voted for officers without voting for or against the constitution?

Answer. I do not know whether we could or not, taking that view of the case. We did not examine the case very minutely; some of the men were of opinion they could do some things, and others doubted it, and the impression got out that it was best to do nothing, but keep the majority of the registered voters from the polls and we would gain the election. With that view, people did not do so much as they might if they had thought they must go and vote.

Question. Acting upon that principle, the white people of the State abstained from going to the polls at all, did they not?

Answer. To some extent they did.

By Mr. BLAIR:

Question. And if Congress had kept faith with them—the faith it pledged in the law under which that constitution was adopted—they never would have been afflicted with this class of office-holders who were elected?

Answer. Yes, sir; I think so. I think if Congress had acted in good faith with us, we gained the election; that has been the idea I have had of it.

By Mr. BUCKLEY:

Question. Colonel Taylor, did you ever hear that these men who rode in disguise through your county declared to the negroes that they must scatter out, and not too many work on one plantation? Was there a disposition to control labor in that way?

Answer. No, sir; I do not remember that I ever heard anything of that sort. When they whipped that negro girl, they told her she had to leave.

By the CHAIRMAN:

Question. Was there any opposition in your part of the country to the establishment of negro schools?

Answer. No, sir; none that I know of; to the contrary, I have made a little effort in that direction myself, and one or two men have been speaking very favorably of it, but negro children are rather scarce, and we have not succeeded. We did have a little negro school, I think, for a short time.

Question. Did you ever hear of any negro churches being burned?

Answer. No, sir; if I have, I do not remember it now.

Question. If the people in that part of the country have such an opinion of the negro's disposition to steal, why should they try to prevent their leaving the country and make efforts to retain them here?

Answer. We want them to cultivate our lands.

MONTGOMERY, ALABAMA, October 20, 1871.

JOHN J. HOLLEY sworn and examined.

By the CHAIRMAN:

Question. State your place of residence and occupation, if you please.

Answer. I reside at Dadeville, Tallapoosa County, Alabama. I am a planter and farmer.

Question. Are you a native of the South?

Answer. Yes, sir; born and raised in Georgia.

Question. How long have you lived in Tallapoosa County?

Answer. Since 1835.

Question. The committee desire to inquire into the condition of Tallapoosa County, and all that region of Alabama, so far as regards the execution of the laws and the safety of the lives and property of citizens. You will please give us any information you have on that subject, derived from your personal knowledge, or sources you deem reliable.

Answer. Well, sir, in the portion of the county I live in—at the court-house—we have had no disturbances at all that I remember of. The people are quiet, and are a law-abiding people. There are some portions of the county in which there have been some disturbances. As to my own knowledge now, I reckon I know as little about it as perhaps any man in the county. All I know is from information and from what I have heard.

Question. You may state what disturbances of the peace have occurred, created by combinations of men, disguised or otherwise, committed upon the highways or premises of individuals.

Answer. Well, sir, it is said that there is an organization in Tallapoosa County, and I presume it is so—men that go in disguise, and whip white people and negroes too. I never knew many white people to be whipped. I never knew any one to be whipped, except from information. I have heard of their being whipped, and of a good many negroes being whipped, and of school-houses being burned, and churches, &c., and it was said to have been done by men in disguise.

Question. Over what portion of time does this state of things range?

Answer. Well, sir, for the last two years; I might say, indeed, pretty much ever since the surrender. In my own county there were some men that were called "Black Cavalry," and they did some mischief in some portions of the county; they run off the negroes. After that this Ku-Klux organization has been in existence for two or three years past.

Question. Did the Black Cavalry go about disguised?

Answer. It was so said, sir.

Question. How extensive was the Ku-Klux organization reputed to be?

Answer. Well, sir, it was said by some, and there was a gentleman told me, that in two beats—Youngsville beat and Hillby or Hackneyville—the organization amounted to three hundred. I always thought that was an extravagant estimate, however.

Question. What was your opinion as to the extent of the organization?

Answer. Well, I can hardly tell you whether I had an opinion or not. I just thought that was extravagant. I should think, however, that one hundred in each beat would have covered it. Perhaps that may have been over it, or extravagant. A gentleman (Mr. Barnes) told me—he had a good deal to do with the Ku-Klux, and fell out with them, and had several fights, and he whipped two or three—he told me there were about a hundred and fifty in each of the two beats.

By Mr. BLAIR:

Question. You say Barnes whipped two or three of them?

Answer. Yes, sir; he whipped two or three of them.

By the CHAIRMAN:

Question. How many beats are there in the county?

Answer. There are sixteen or seventeen beats, sir.

Question. Did you ever hear of any similar organization in any other beat of the county?

Answer. Yes, sir; there are two other beats, or I might say three beats. One is known as Newsite beat, and other as Poplar Spring beat, and the other Davidson beat; all in the upper part of the county, adjoining Coosa and Clay and Talladega.

Question. How strong was the organization considered in these three last beats?

Answer. I never heard it estimated.

Question. Proceed and describe to the committee the operations of this organization. What violation of good order, and law, and the peace of the community did they commit?

Answer. Well, sir, my understanding is that they would whip negroes. They would go to the negroes' cabins and take them out and whip them for some alleged offense. They would bring up some kind of charge against them and whip them very severely.

Question. What generally was the nature of the charge as brought up against them?

Answer. That they had been dishonest, and—well, really, gentlemen, I don't know how to describe it. Now in the county I live in politics has had a good deal to do with this, in my opinion. Nearly all the negroes in the county were republicans, and almost all the white men in the county are democrats. Well, I have understood, I do not really know anything about it personally, for there never has been a disguised man in the section I am living in, that I am aware of; and I never heard of their passing

through there nearer than sixteen or fifteen miles of where I live. I have never heard of any nearer than that; but the employers would say to the negroes, "You must not go to the election," or "If you go the election you must vote with me." If the negroes failed to do it they have very frequently suffered by it; either have been run off, or been whipped, or something of the sort.

Question. Have you reason to believe that this information was true?

Answer. Well, yes, sir; I have reason to believe that it was true

Question. What effect did these visitations and these whippings have upon the negroes?

Answer. Well, sir, it run the negroes out of certain beats. Now in this Youngsville beat and Hackneyville beat there were a great many negroes formerly. It is a good section of country, a good farming country, and the farmers there were generally men of some property and owned a good many negroes. Well, the Black Cavalry and Ku-Klux together have run nearly all the negroes out of that portion of the country, and they cannot get labor; and many men there that were considered rich before the war have not a negro about them, and they cannot get them.

Question. Has this state of things produced a reaction in that part of the county, and a disposition to put down the organization?

Answer. There are a great many men there, good citizens, who do desire to put it down. They have used all the means that are in their power to do so. I remember very well a gentleman who lives in Hilby beat; I have known him ever since he was a boy; he is a good citizen—Dr. Slaughter. He and myself were talking about it, and he said, "The grand jury must put it down." He was very much opposed to it, but he said the grand jury must take action. I told him, "Doctor, the grand jury cannot reach them; they cannot do anything with it. If the good citizens in your beat would meet together and say to them, 'It must be stopped,' and all of you got right after them, I think that would put it down. But if you wait for the law and the grand jury to find bills against them, it will never be stopped." My mind has never undergone any change on that. I did not think the grand jury could ever reach them at all. Maybe they could reach a case once in a while, but my idea was that if the good citizens would all meet together and tell them, "This thing must stop; we are all opposed to it;" and make efforts to not only put it down, but to find out who these men were, and arrest them and have them punished, it would stop. Well, the good citizens of Tallapoosa County, I think, are really all opposed to this thing.

Question. Has there been any such concerted action as you advised?

Answer. I do not know that there has been any public meeting; I do not think there has; but men would meet in groups about and talk this thing over and agree to try to put it down.

Question. Have you any doubt in your own mind that, if your advice had been followed, and a public meeting had been called of the good people of your part of the county, and they had resolutely set their faces against the operations of this gang of men, it would have resulted, just as you said, in discountenancing and putting them down?

Answer. I do believe that if they had done that it would have put them down; that if the good people of Tallapoosa County, in those beats, had met together and passed resolutions, and let these men know that they were opposed to it and would put them down and punish them, I believe it would have stopped them to a considerable extent anyhow. But, gentlemen, there are a great many good men there that, in my opinion, were afraid to act. They did not want these bad men to fall out with them. They did not know but these men would do them some private injury; consequently they were afraid to come forward and move in this matter. They did not know but what they would be burnt out. There is a gentleman, who has just been before you, whose house was burned, and I believe it was done by the Ku-Klux; at least he has told me so forty times.

Question. Who do you refer to?

Answer. Colonel Taylor, the gentleman who was here just now.

Question. Was his house burned?

Answer. Yes, sir. He told me that he charged a man, "I believe you and another man did it."

Question. Did he suppose that this burning was caused by the Ku-Klux?

Answer. Yes, sir; he has no doubt about it, I reckon.

Question. What house was it that was burned?

Answer. It was his dwelling-house.

Question. Were his family in the house at the time?

Answer. Yes, sir.

Question. Was it burned over his head?

Answer. Yes, sir.

Question. When did that occur?

Answer. That occurred some time; a year ago.

Question. Had he made himself obnoxious to the Ku-Klux?

Answer. Yes, sir. What I mean by making himself obnoxious is, he was very much opposed to the organization, and said a great many hard things about them.

Question. And that was generally known?

Answer. It was perfectly known. He cursed them out wherever he came to them.

Question. And it was supposed that they burned his house in revenge and retaliation?

Answer. Yes, sir; he thinks so, and a great many others think so too. I will not pretend to say it was so, but he thinks so. He told me so last night; he has told me so a dozen times. I am very familiar with him. We have two gentlemen in that county—Colonel Taylor, and a man named Barnes, known as Doctor Barnes; I do not know his given name; he is a cousin of Colonel William Barnes, and is a very good citizen—these two are very resolute kind of men, and they took a decided stand against this Ku-Klux, and I reckon they have done more to put it down than all the rest in Tallapoosa County.

Question. Was Mr. Barnes ever molested?

Answer. They burned a school-house there and a church, and he showed me—I don't know how many—letters that he has received, signed "Ku-Klux," stating what they would do if he continued thus and so.

Question. Had he any interest in this church and school-house which were burned?

Answer. Yes, sir; his wife's sister was teaching a school in the house.

Question. Was the school broken up?

Answer. I do not remember. I think they went to another house somewhere and carried on the school; but it was broken up at that place for the time, of course. It was burned out.

Question. Did that seem to be one of the objects of the Ku-Klux Klan, to break up colored schools?

Answer. Well, yes, sir. There is a lady in my town—that is, she did live in my town—and she went over to Youngsville beat and took a colored school. She was a very poor woman. She was competent to teach. I was there some two months ago, and the man she boarded with—Mr. Young—told me she had received notice that if she did not abandon the school they would burn it out.

Question. Was it supposed that this Klan was opposed to negro education?

Answer. Yes, sir.

Question. Were the teachers of these schools generally white, or black?

Answer. Generally white, in my county. There has never been a colored teacher in the county that I know anything about.

Question. Were there any instances in which negroes were killed by this order?

Answer. I suppose so. I never saw one killed, but I have heard of it.

Question. I am asking you for such information as you deem reliable.

Answer. Well, sir, there is no doubt about it.

Question. How many instances do you think occurred in Tallapoosa County?

Answer. I really cannot call to mind now. I remember one particularly, where the negro was killed.

Question. You may describe it.

Answer. I cannot remember the negro's name; I know who he used to belong to when he was a slave, and I presume he went by that name—Williams. He used to belong to Josiah Williams. He was said to be a very good negro. In the first place it was said that they whipped him, and afterwards killed him; killed him dead.

Question. What was his offense, as you understood?

Answer. My understanding was that he was a republican; that was all the charge I ever heard; there may have been other charges against him.

Question. Was he a leading man among his people?

Answer. I cannot say that he was. He was quite a young man, and I do not think he was a leading man.

Question. Are there any other instances that you remember?

Answer. I cannot call to mind, sir, any particular instances. There was a gentleman in the Hackneyville beat by the name of Squire Dunn, a very good citizen, one of our best citizens. I was at his house last summer a year ago—a little over twelve months ago—and he had not a negro on his place. There was not one at the time I was there. Before the surrender he owned negroes, and was a good planter, in good circumstances, and he said that the Ku-Klux came there and run his negroes all off in fodder-pulling time. He was telling me about his saving no fodder; that they shot one or two or three times, and run the whole of them off; every one left him. They were afraid to stay there.

Question. Did Squire Dunn tell you what the motive of the Ku-Klux was in making this assault on his negroes?

Answer. No, sir; he did not tell me.

Question. Has any considerable number of negroes left Tallapoosa County on account of this persecution?

Answer. I think so. Some have left the county, and a great many have left the portions of the county where they have been riding about at night in disguise.

Question. What is your information as to the character of the men who have, at any time, been members of this order, as to respectability and standing?

Answer. Well, sir, my opinion is, that these men who have gone in disguise, traveling over the country, are men of not much character. Now I have understood that there were respectable men that seemed to aid and abet, who did not go with the crowd. It was generally a kind of reckless men, drinking men, and men that did not have a great deal of character.

Question. White men exclusively?

Answer. Of course; altogether white men.

Question. Did they generally own property?

Answer. Not much, sir; not a great deal.

Question. What seemed to be their object, so far as your information extends?

Answer. There was an idea with a great many of these poor white people, who did not own any property, that they could not come in competition with the negroes; that the negroes could work cheaper than they could work, and they said, "If we can run the negroes out of the country we can get our own price for our labor." I think that seemed to be the prevailing opinion. But then, as I observed awhile ago, I am satisfied in my own mind that politics had a good deal to do with it.

Question. Do you think the fact that the negroes visited were republicans, and voted the republican ticket, had anything to do with their persecution?

Answer. I think so, sir; it had a great deal to do with it.

Question. To what extent do you think the employers of negroes upon plantations sought to influence their political action?

Answer. You see, these gentlemen that owned the land and stock, and got the negroes to farm it with them, either gave them a portion of the crop or standing wages, for the negroes, you know, were poor, and they had nothing to go upon, and the employer furnished their provisions—meat and bread, and clothing, &c.—and they were under a good many obligations to him. Now, if the white man was a democrat, and wanted to control these negroes, do you not see that he would tell them to go to the polls with him and vote the democratic ticket. The negroes, as I observed at the outset, were mostly—indeed I might almost say all of them—were republicans, and wanted to vote the republican ticket. There were a good many men that, as soon as the election was over and they found out that the negroes had fooled them and voted the republican ticket, drove their negroes off of the plantation.

Question. How far has this been carried out?

Answer. Well, sir; it was not invariably the case that they drove them off, but in some instances they just drove them off. They said, "You shan't stay on my plantation," and a great many of them made the threats before the election, "If you do this thing you can't stay on my place."

Question. Did that species of coercion induce the negroes sometimes to vote with their employers?

Answer. I think so, sir.

Question. Where violations of the peace have occurred, such as you have described, has there been an earnest effort made on the part of the community generally to discover the offenders and bring them to justice?

Answer. No; I do not think there has been, and for the reason that I stated awhile ago—a great many men were afraid to step forward. They feared they would render themselves obnoxious. There are a few men who were not afraid, these gentlemen I spoke of. Mr. Taylor and Mr. Barnes are fearless men, and they did step forward, and have done a great deal, in my opinion, to put it down in Tallapoosa County. But most of the men I have heard speak of it frequently were afraid to say anything for fear they would suffer some private injury themselves. As I observed before, we have a great many good men in Tallapoosa County as much opposed to lawlessness, I reckon, as any people in the world, who would do anything to put a stop to it; but a great many of them were afraid to move in the matter. I remember yesterday, Colonel Taylor told me as we were coming down in the cars that he was advised by his best friends to hold his peace; to not say anything; to not act in that way; that these men would do him great injury; that they would kill him, shoot him, or something of the sort; but he is a man that don't fear anything, and he persecuted them wherever he could. He would go right up to them and tell them, "You are a Ku-Klux. I know you are a Ku-Klux and belong to the organization." He showed me a list of their names, and I knew nearly all the men.

Question. How late is the last disturbance of the kind that you have heard of in your county?

Answer. Well, sir; I don't remember. It has been a few months back though. I think the notice that these white women received about the schools was not more than two or three months back, and the burning of that school-house and the difficulty with Barnes, and all that over there took place this spring.

Question. Did she pay any attention to that notice?

Answer. No, sir; she went ahead, and her friends told her to pay no attention to it but to go ahead and they would stand up to her.

Question. How many colored schools and churches in all have been burned?

Answer. I can't tell you. I have kept no account and can't remember.

Question. You say Mr. Barnes was once a member of this organization?

Answer. O, no, sir.

Question. I understand you to say that he had fallen out with the Ku-Klux?

Answer. He has; but never was a member, by any means. He has been fighting it all the time.

Question. Have there been any prosecutions so far as you know against any of the men concerned in these Ku-Klux outrages?

Answer. No, sir; not that I am aware of.

Question. Is there more or less terrorism still existing over the minds of the negroes in that part of the country?

Answer. I presume there is some, sir; but not as much as there has been.

By Mr. BUCKLEY:

Question. Colonel Holly, did you ever hear of any disturbance near the line of Coosa County, about the Sacopatoy precinct?

Answer. Yes, sir; I have heard of a good deal of disturbance there.

Question. Do you recollect the nature of it?

Answer. I do not know that I could tell you the particulars about it now. There has been a good deal of disturbance along on the line—that is, near Youngsville—near the line and in Tallapoosa County about Youngsville and the adjoining beat in Coosa; there has been a good deal of disturbance there.

Question. Did you hear of a church being burned there and a school-house?

Answer. Yes, sir.

Question. And some negroes whipped?

Answer. Yes, sir; I heard all of that. I could not tell you the particulars, for it was a good ways from me, and it has got to be such a very common thing that a man would hardly be able to tell the particulars, unless he charges his recollection about it. There has been a good deal of disturbance over there.

Question. These outrages have been committed mostly by men in disguise?

Answer. Yes, sir; that is my understanding; altogether by men in disguise.

Question. Is it difficult to identify them?

Answer. Very, I suppose. I never have seen one in my life in disguise. I have seen men that were said to be Ku-Klux, and I believe that they were, but they were not in disguise when I saw them.

Question. It would be difficult for the grand jury to get definite information in regard to them?

Answer. A grand jury cannot get at them at all, that I see, sir. I cannot see any way to get at them by a grand jury.

Question. From a long residence in Tallapoosa County, and a very general knowledge of the county, do you think that republicans feel entirely free there to express their sentiments and to vote in accordance with their sentiments at the elections which have been held heretofore?

Answer. I know they do not.

Question. Is there some intimidation?

Answer. Yes, sir.

Question. Even on the part of white people, as well as colored?

Answer. Yes, sir. I know a good many white men that are republicans in sentiment and feeling who do not go to the election at all; and some that went to the election did not vote, just because they did not want to be pointed out and ostracised.

Question. Attention would be directed to them if they voted?

Answer. Yes, sir; I know that to be so. That has come under my own knowledge.

Question. And they abstained from voting from fear of personal violence?

Answer. If not violence, they did not have the nerve to come out and do what they really wanted to do. I know that is so.

Question. That was so, I suppose, more among the colored people than the whites?

Answer. Well, sir, both white and black.

By Mr. BLAIR:

Question. Are you a republican?

Answer. I am a republican.

Question. You always voted that ticket?

Answer. Yes, sir; ever since I have been allowed to vote. At the close of the war I was not allowed to vote.

Question. You were disfranchised by act of Congress?

Answer. Yes, sir; but since then I was relieved by act of Congress; my disabilities were removed.

Question. And you have always uniformly voted the republican ticket since?

Answer. Well, sir, I was born a democrat, and acted with the democratic party.

Question. But since the removal of your disabilities?

Answer. Yes, sir.

Question. You have never been interfered with?

Answer. No, sir.

Question. No violence has been offered to you?

Answer. Never in the world.

Question. No one ever attempted to intimidate you?

Answer. Yes, sir; but I have never been intimidated. I am one of that kind of men that go wherever I please. I will state one thing—you made me think of. A year ago from now there was an election going on for Congress, and Major Norris, of this place, or Wetumka rather, was a candidate, and was canvassing the county or the district. He wrote to me to meet him at Newsite and bring him down to Dadeville, which I did; and it was understood that Bill Turner, who was a negro politician at Dadeville, was to accompany Major Norris, but was not with him. I brought no person but Major Norris. The next day, in Dadeville, there was a good personal friend of mine in Dadeville took me to one side and asked me if I believed there was such an organization as the Ku-Klux. I told him I believed there was, and he told me that there was; and said he, "If you had had that negro with you yesterday evening or last night, neither you nor him nor Norris would ever have got to Dadeville." Whether he was trying to scare me, or whether that was really so or not, I do not know, but that is what he told me. He advised me to stay at home. I told him I had not thought I would go anywhere, but now, since I had heard that, I expected to go every day until the election, and I believe I did go every day until the election.

Question. That was the only effort to intimidate you?

Answer. Yes, sir.

Question. By your friend coming to you?

Answer. Yes, sir. He was a good democratic friend; he was a democrat. He advised me to stay at home, and that if this negro had been with myself and Major Norris we would never have got to Dadeville. Whether his object was to scare me and keep me at home I do not know. I was inclined to think, however, that his object was to scare me, to make me stay at home.

Question. Mr. Taylor is a democrat, is he not?

Answer. Yes, sir; and a pretty rigid one too.

Question. Pretty outspoken?

Answer. Yes, sir; and a clever man too.

Question. What is Mr. Barnes?

Answer. Mr. Barnes is a democrat.

Question. And this young lady, a member of his family, teaches the negro school?

Answer. O, no, sir; not a member of Mr. Barnes's family. Mr. Barnes's wife's sister, Miss Wagner, taught a school where the house was burned up, but this Mrs. Goolsby was teaching another school, a colored school. Miss Georgia Wagner was teaching a white school, and the school-house was burned up.

Question. There was no prejudice in the community against teaching white schools?

Answer. No, sir.

Question. You do not suppose the Ku-Klux burned that house?

Answer. I do not know. Brown said it was them. He accused them of it, and there were the letters I saw. Brown showed me two letters—not letters either, but posters stuck up about—that in the event that he persisted in his course, what they would do and saying that they had burned up this house and would commit other outrages.

Question. You say Barnes had whipped two or three of them?

Answer. He has whipped them since these outrages. He told them he would whip them, and wherever he does meet one he does whip him. He just wollops them out. He has whipped two or three of them.

Question. He is a good democrat?

Answer. Yes, sir; it is so said. He acts with the democratic party. He is a lawyer and a justice of the peace where he lives, and he is a very good citizen.

Question. You say when these fellows whipped negroes they generally alleged some offense?

Answer. Yes, sir.

Question. Stealing?

Answer. Stealing or laziness, or something that way.

Question. There is a great deal of stealing, is there not?

Answer. I can't say that there is; I don't know that there is.

Question. Is it not very difficult for farmers to keep stock?

Answer. No, sir, not in my country. You see, General Blair, we have not got a great many negroes up there like they have here—no large bodies of negroes. They are generally two or three, eight or ten, fifteen or twenty at a place, and maybe, at some places, more than that, but no large bodies whatever. A great many of our negroes

up there have left and come down here to Montgomery or somewhere else. I have no doubt myself that the Black Cavalry run off more negroes than the Ku-Klux ever run off. I am satisfied of it, because, soon after the surrender, they used them pretty roughly, and the negroes broke and left the country for Wetumpka and Montgomery and other places, and some have gone back and some have not.

Question. You say you believe that the men engaged in this business of Ku-Kluxing generally want to get rid of the negroes, so that they may have an opportunity of being employed themselves?

Answer. A good many of them; I have no doubt of it; so I have understood.

Question. And the farmers want to keep the negroes?

Answer. Yes, sir. They are the best laborers we have got.

Question. All the farmers are desirous of that?

Answer. I cannot say all, but the major part are, I will say. They want the negroes there. They are the best laborers we can get.

Question. Then they are not likely to be members of this organization?

Answer. I think so, sir. I do not think there is any good man in Tallapoosa County that is a member of it.

Question. The farmers that want the negroes there are not engaged in driving them out?

Answer. No, sir; by no means.

Question. They are other characters—people without farms?

Answer. Yes, sir; I think so. It is confined to that class of men mostly.

Question. Whose object is to get the employment themselves?

Answer. Yes, sir; that has something to do with it, I have no doubt; and it is said, General Blair, in my own county—I don't know whether it is so or not—that there are a good many men now that are considered very good citizens, who are rather backing these men up, and it is said by some that they really belong to the organization, but do not go in disguise—do not go with them at all.

Question. Who are they? Are they farmers?

Answer. Yes, sir; farmers, I presume. They are all farmers as far as I knew. There is a man now; I will give you his name; it is no secret with me; he lives at Youngs-ville, and carries on a little farm, I believe, and has a little store and so on. I have heard it said that he belongs to the Ku-Klux, and the reason that he is supposed to belong to the Ku-Klux was, that they would come by his house in disguise, and curse him and tell him to come out, and make him get up behind them, and make him go to the grocery and let them have liquor, and then they would turn him loose. It was supposed from that circumstance that he was really a Ku-Klux, although he never went in disguise. I don't suppose that any man that didn't know something about it would do what he did. I would not like to go at night and get up behind disguised men and go off with them, and I would not do it. They would have to put me up if I was to go off. I have heard that that was done. I don't know that it was. I presume it was.

Question. What is his name?

Answer. Griffin Young—R. G. Young.

Question. That is the only circumstance that makes you suppose that he is a Ku-Klux?

Answer. That is all that makes me think he was a Ku-Klux. I heard several say they thought he was from that circumstance. That they would come by his house and call him out at a late hour of the night and curse him, and tell him he would have to go to the grocery with them, and make him get up behind them and ride down to the grocery, a quarter or a half a quarter.

Question. You say it was the habit of the farmers there to tell the negroes they want them to vote with them?

Answer. Yes, sir.

Question. And in case they will not do it, to discharge them?

Answer. Not in every case.

Question. But in other cases they did?

Answer. Yes, sir; in some cases.

Question. Have they not as good a right to discharge them as the mill-owners in New England have to discharge their operatives for voting in any way that does not suit the owner?

Answer. I suppose so. I am not acquainted in New England. I never was there. I have heard it was done there. I never was there.

Question. You say they first whipped and afterwards killed a negro who formerly belonged to a man named Williams?

Answer. Yes, sir.

Question. And his offense was being a republican. How do you know that?

Answer. I did not say that was the offense, and I did not intend to say it. I say I understood that was the offense, that he did not vote to suit them, and they undertook to whip him, and whipped him.

Question. Did you know who it was?

Answer. No, sir.

Question. Then how do you know what they killed him for?

Answer. All I know about it is what rumor said, and rumor said it was done by disguised men.

Question. It was a mere rumor?

Answer. Yes, sir. Of course, I was not there. The negro was killed; that was no rumor.

Question. But it was a mere rumor that that was the reason for it?

Answer. Yes, sir; precisely.

Question. You have no knowledge of it yourself?

Answer. None whatever. I observed at the outset that I reckon I know as little of my own knowledge as any man in the county on this subject, for I have been in a neighborhood where there has been nothing of the sort going on.

By the CHAIRMAN:

Question. Was that rumor ever contradicted?

Answer. Not that I am aware of.

By Mr. BLAIR:

Question. Do people make it their business to go around contradicting idle rumors?

Answer. No, sir; I think not. Not in my county.

Question. There has been no disturbance at all in your neighborhood?

Answer. No, sir; I don't think there has been any at all.

By Mr. BUCKLEY:

Question. Did you say that you live at the county seat?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Did you ever see a Ku-Klux?

Answer. I don't know whether I ever did or not.

Question. I mean in disguise.

Answer. Never in my life.

Question. Men that you knew were Ku-Klux?

Answer. No, sir, never.

By the CHAIRMAN:

Question. You spoke of whites as well as negroes having been whipped by the Ku-Klux. Do you know what the offense or imputed offenses of the white men were?

Answer. Well, sir, I have heard what they were accused of. The only case I remember well, was a case some twenty-five miles from where I live. It was said that a man had been too intimate with a girl that was a sort of idiot. He got her pregnant, and they went and whipped him into fits, and told him if he did not go and tell it they would whip him over again, and they said he went around and told it. I did not know the man myself nor never saw him that I know of.

By Mr. BLAIR:

Question. Do you know the man's name?

Answer. No, sir; I don't believe I can tell you his name. It is close to Newsite. I don't know the man nor the woman.

Question. Where was it?

Answer. Near a little village in Tallapoosa called Newsite. It is close by where Colonel Taylor lives. A man by the name of Joe Irvin, that lives close by where he was whipped, told me about it. I happened to stay all night with him, and he told me about it. It had just happened a little while before I was there, and he told me that was the charge they had against him; that he had not been "toteing fair;" that he was too intimate with a woman said to be not bright—sort of an idiot woman. It is said that he told her that she was diseased and he could cure her, and that was the medicine he used for a remedy.

By Mr. BUCKLEY:

Question. Colonel Holly, what is your age?

Answer. I am sixty-two.

MONTGOMERY, ALABAMA, *October 20, 1871.*

LYMAN W. MARTIN sworn and examined.

The CHAIRMAN. As this witness was called by the minority, General Blair will please examine him.

By Mr. BLAIR :

Question. Will you state your residence and occupation, if you please ?

Answer. I live at the county site of Russell County, Alabama. The name of the place is Seale Station. I am a lawyer by profession.

Question. Do you know of any violations of law committed in your county by persons in disguise ?

Answer. In disguise ? None, sir.

Question. Did you hear of the case of a man named Few ?

Answer. Yes, sir.

Question. It has been reported to the committee. Will you give the facts in reference to that case ?

Answer. I have no personal knowledge of the facts. I have heard, however, of the circumstances and the facts. I say I have no personal knowledge of the facts. I have no personal knowledge of any violence ; but I knew Mr. Few, and have known him for years. I have been very friendly with Mr. Few for years. He was teaching a colored school in Crawford, in Russell County, and for some cause or other, I do not know what, there had got up a considerable feeling in the community. He was attacked there at night, as I have been told, by a parcel of boys ; and things came to such a pass that, for the safety of the community, they called a meeting of the citizens in an old court-house, (Crawford being the former county-site of the county,) at which Mr. Few and all the prominent citizens were present. Mr. Few related to them that he had been attacked at night there, he did not know by whom. The citizens disavowed any complication whatever, or any participation whatever, in the matter, and assured him that as long as he pursued a legitimate avocation in their community he was to and should receive their protection. With that assurance on their part, he went on, taught his school to its close, and was hired the succeeding year by a set of trustees in the adjoining township, all of whom were leading democrats in the county. Since then I have heard of no attack upon Mr. Few, neither in one shape nor another.

Question. Was there, to your knowledge, any such state of intimidation induced by threats, among the negroes at Trawick's Cross-roads, in your county, as to prevent their voting in 1870 ?

Answer. No, sir ; I have no knowledge and no information of any threats, or any violence, or threats of violence, in that community. On the contrary, it is a remarkably peaceful community.

Question. The negroes do vote, do they not ?

Answer. Yes, sir, the negroes vote in that precinct.

Question. Are they unmolested ?

Answer. So far as I know, sir, and so far as I believe. There are not many negroes in that precinct. It is a poor, piney-woods country, bordered by two or three, or perhaps more, large plantations, upon which there are a good many negroes ; but a large majority of the voters at that precinct are white men ; and I know of no violence or threats of violence in that community whatever.

Question. Are you familiar with the people of that community ?

Answer. I am. I own a plantation in that vicinity myself, and have lived within nine miles of the precinct for twelve years.

Question. What are the relations between the white and colored people of your county ?

Answer. Well, sir, considering the transition from master and slave to the present relation which exists between the races, I have often had occasion to express a perfect surprise at the good manner in which both races have acted, in so far as they have come under my observation.

Question. In that county ?

Answer. Yes, sir.

Question. Is the condition of the county, so far as regards the execution of the law, good or bad ?

Answer. Well, sir, it is very indifferent. We have very incompetent officers in our county, and the law is not executed as it should be, because the officers have neither the intelligence nor the will to do their whole duty.

Question. The great part, then, of the discontent, if any exists, is by reason of the fact that those officers were put upon you against your consent ?

Answer. I do not think there is any discontent in my county, sir, more than there is in every community, because since Cain killed his brother I have never known a community that was free from every crime and vice. We have bad men in our county of

all parties and all races, but a large majority of the people of our county, of all races and classes, are law-abiding and peaceable citizens.

Question. For the preservation of peace and order and the good condition that exists in your society, you are not, then, under obligations to the efficiency of your officers?

Answer. No, sir, by no means; it is the virtue of the people of all classes and all parties that sustains the law in our county.

By the CHAIRMAN:

Question. Did you vote for any of these officers of whom you make complaint?

Answer. I did not.

Question. Did you vote against them?

Answer. No, sir.

Question. You did not vote at all?

Answer. No, sir.

Question. You had the opportunity of choosing good officers, but declined to exercise the right, did you?

Answer. The facts are, that a convention assembled here in 1867, and adopted a constitution which is now the constitution of this State, and it was submitted for the ratification of the people, and the election of State and county officers and the election on the constitution came off at the same time. A convention of the democratic party of Alabama met in the city of Montgomery and recommended the policy of non-action, and the democratic party, including a large majority of the white people of the State, abstained entirely from voting for either county officers or State officers, or on the question of the adoption of the constitution, and our county officers were elected at that time or have been subsequently appointed by Governor Smith.

Question. There was no legal obstacle in the way of voting for or against any particular ticket, and at the same time desisting from voting on the question of the ratification or rejection of the constitution?

Answer. None whatever.

Question. It was a measure of policy, and the democratic party abstained from the polls at that election?

Answer. Entirely, sir.

By Mr. BLAIR:

Question. They did that relying on the good faith of Congress?

Answer. I think so.

Question. In which they were disappointed?

Answer. Yes, sir; badly.

By the CHAIRMAN:

Question. The officers of your county are republicans, are they?

Answer. No, sir.

Question. Are they democrats; how did that happen?

Answer. It is a mixed ticket over there, sir.

Question. Who formed that ticket?

Answer. Our judge of probate and sheriff, two of our most important officers, were elected by the negroes, or colored vote, in 1868. The judge of probate has no politics; the sheriff claims to be a democrat. The clerk was appointed by Governor Smith, a republican governor, but he now claims to be a democrat. But none of them hold office either under democratic appointment or democratic election, and none of them are the choice of either party in my county.

Question. But the clerk and the sheriff co-operate with the democratic party?

Answer. Yes, sir.

Question. Are they recognized as democrats in good standing?

Answer. They are. I say they are recognized as democratic voters; I will not say in good standing.

Question. Why not in good standing?

Answer. Because they are inefficient officers, and have failed to give satisfaction in the offices which they now hold.

Question. It is not because of the manner in which they derived their title to the offices?

Answer. No, sir; we would respect a good republican officer there as much as anybody, and we would hate a poor democratic officer as bad as anybody.

Question. You say the sheriff was elected as a republican, and has gone over to the democratic party?

Answer. I do not know that he was elected as a republican; he was elected by the republicans.

Question. And the clerk was appointed by Governor Smith, and has gone over to the democratic party?

Answer. Yes, sir. I do not know that he ever was a republican; I am not certain about that. He now votes the democratic ticket.

Question. Then it might happen that a clerk and a sheriff were elected or appointed without any reference to their political status?

Answer. It may be so; I know nothing to the contrary.

Question. Is your circuit judge a republican or a democrat?

Answer. Republican.

Question. Is he not an efficient judge?

Answer. He is a good man.

Question. Is he a good lawyer?

Answer. He is on the poorly-thank-God order, if you will allow the expression.

Question. I do not understand the expression.

Answer. If you will allow me to explain it, there is a very old, illiterate man in my county who, when you meet him, and ask how he is, always answers, "Poorly, thank God." He says he thanks his Lord that it is no worse. So we are thankful our circuit judge is no worse.

Question. Is he an honest man?

Answer. Yes, sir.

Question. He tries to administer justice?

Answer. Yes, sir.

Question. He does the best he knows how?

Answer. Yes, sir, and he is no mean lawyer, but he is not a first-rate lawyer.

Question. Is he generally successful in administering justice in cases that come before him?

Answer. He is a little too tardy; that is the only complaint I have heard against him. He is impartial and just in all cases that he tries.

Question. You might be a good deal worse off, Mr. Martin, then?

Answer. Yes, sir, very much so.

By Mr. BLAIR:

Question. Is that the reason you thank God when you look around and see other things that are going on?

Answer. That is the point of my joke. We could be hurt very seriously by a swifter and worse man.

By the CHAIRMAN:

Question. You have never heard of any bands of men going about the county in the night-time, disguised or undisguised, and alarming negroes, have you?

Answer. No, sir; never alarming negroes, excepting the attack made upon Mr. Few, to which I have already referred. I have never known anything of the kind in that county.

Question. Have you ever heard of such a state of things?

Answer. I have never heard of such a state of things in that county.

Question. You never heard of the existence of the Ku-Klux organization?

Answer. No, sir; and I have no earthly idea that any such organization ever existed in my county.

Question. Does that county border upon Coosa or Tallapoosa?

Answer. No, sir; neither.

Question. How remote?

Answer. There are two counties between Coosa and Russell, and one between Russell and Tallapoosa—Lee County.

Question. Russell County is situated right upon the line of Georgia, and is east of Macon County?

Answer. Yes, sir.

Question. Have you heard of any disturbances of the peace in Macon County adjoining you?

Answer. Well, there was some excitement over there two or three years ago, but I do not remember what it was about. It was in Tuskegee.

By Mr. BLAIR:

Question. Was that the celebrated Alston case?

Answer. Yes, sir, that was the matter.

By the CHAIRMAN:

Question. Has there been at any time a prejudice on the part of any portion of your community against colored schools?

Answer. I think, sir, that there was perhaps some prejudice against it soon after the war closed, for a year or two.

Question. Is there any prejudice against the teachers of colored schools?

Answer. None whatever.

Question. Has there been?

Answer. There may have been a year or two ago.

Question. Was there at the time Mr. Few was interfered with?

Answer. I think not on that account. I think the difficulty that Mr. Few got into grew out of his personal bearing toward the community, and not out of the avocation that he followed.

Question. What were the particulars of his case? You have spoken of some attack by a parcel of boys upon Mr. Few in the night-time.

Answer. I gave the particulars in my direct examination as fully as I know them. It is all information except so far as I know Mr. Few personally and know that he lived at Crawford.

Question. He was a man of family?

Answer. He had a wife but no children.

Question. And he was attacked at his house in the night-time?

Answer. Yes, sir.

Question. By a crowd of boys?

Answer. By a gang of bad boys, as I understand.

Question. How many of them were there, as you understood?

Answer. I do not know that I ever heard any number mentioned.

Question. Did they ever fire upon his house?

Answer. I understood they did.

Question. Did they rock it also?

Answer. Yes, sir.

Question. Did you understand how many gun-shots or pistol-shots were discharged?

Answer. No, sir; there were several—several gun-shots or pistol-shots, but how many I do not know that I ever heard.

Question. How long was this continued?

Answer. I suppose it was the work only of a short time, perhaps less than an hour; I do not know, however, that I am accurate in that.

Question. Are you informed who the boys were?

Answer. No, sir; I never heard but one name mentioned.

Question. How old was he?

Answer. He was a young man about eighteen or twenty years old.

Question. Of a good family?

Answer. Well, I know nothing against his family; I know very little of his family.

Question. What was the pique that this crowd of boys had against Mr. Few?

Answer. I do not know, sir, what the precise pique was. There had been some growling in the community there between Mr. Few and the citizens, and he had had one or two difficulties with some young men—boys, they thought themselves men, and were ordinarily called so, but were mere boys. He had had one or two difficulties with them and I have no doubt there was a general prejudice against Mr. Few in that neighborhood.

Question. On what account?

Answer. On account of his personal character and bearing in the community.

Question. What was his personal character?

Answer. It was not very good.

Question. What was alleged against him?

Answer. Well, he was quarrelsome. He was a drinking man, a man who had been separated from his wife, who had maltreated his wife, so rumor went. He had had a difficulty with his brother-in-law in which pistols and knives were used; and he was disposed to insult democrats; in fact he was imported to that locality as a desperado, and came there to provoke difficulties with democrats.

Question. Who imported him?

Answer. Judge Applebee, who was a relation of his by marriage, and judge of probate of the county.

Question. How do you know he was imported to provoke difficulties?

Answer. That is my conclusion, sir, from the circumstances of the case, and from the conduct of the parties.

Question. Do you think a single man was well calculated to provoke difficulties with the whole community?

Answer. I think Mr. Few was. I have known him for years and know him to be a fearless man, utterly fearless, and a man who had neither interest enough in this world nor enough hope of heaven to be afraid of dying at any moment.

Question. Then you had not a good opinion of Mr. Few?

Answer. I was always personally friendly with him, and was the only man in that community that could quiet a difficulty between him and other parties.

Question. Were the democrats friendly with him?

Answer. No, sir, not very. I was, personally, on account of old relations.

Question. They regarded his presence there as a standing insult?

Answer. Yes, sir.

Question. Is it not possible then that the boys took their cue from their fathers?

Answer. That is possible; I could not say that it was not.

Question. I suppose the democratic portion of the community there did not grieve very much over the visitation that he received, did they?

Answer. I do not know that they grieved at all, but the community called a meeting to adjust all differences for protection.

Question. Do you not think that was done as a matter of policy for the purpose of quieting and hushing this thing up?

Answer. I do not. I think it was done to save the community from any further lawlessness. I do not think that the people of the community (and I lived in the town for thirteen years and knew the community well) would tolerate lawlessness. I do not think they approved of what was done, and the meeting was called in the interest of peace, law, and order.

Question. Was it called by democrats?

Answer. Yes, sir; and Mr. Few was invited there, and all the differences were adjusted, and nothing more was ever heard of it.

Question. Was there any fear felt that this thing would get abroad and make a bad record against the democratic party of Russell County?

Answer. None whatever; there was no attempt to conceal it.

Question. Was there any policy in calling that meeting for the purpose of testifying to the world that the skirts of the democratic party there were clear of this offense?

Answer. It may have been the policy of those who called the meeting. I was not of that number, for I had changed my residence.

Question. Do you not know that that was the motive?

Answer. I do not know it, and I do not believe it.

Question. You do not believe that was the motive?

Answer. I do not.

Question. Were not the democrats very anxious to get rid of him?

Answer. I do not know that they were.

Question. You say his presence there was regarded as a standing insult to them?

Answer. For some time before that, yes, sir.

Question. Had it ceased to be an insult?

Answer. It may or may not have ceased. I had removed from the neighborhood, and cannot judge nor testify as to what took place in the neighborhood, except from my general knowledge of the community.

Question. You were not in the meeting?

Answer. No, sir; nor in the neighborhood at the time.

Question. How long had you removed?

Answer. I had removed from there about nine months previous.

Question. What means have you of knowing the animus of the community toward Mr. Few at that time?

Answer. From my knowledge when I did reside there.

Question. But that was nine months previously?

Answer. Yes, sir.

Question. What means have you of knowing the sentiment of the community at the time the outrage was committed upon him?

Answer. Only the conclusions I drew from previous knowledge, and what I have heard.

Question. Was there any prejudice against him on account of the fact that he was teaching a colored school?

Answer. Not that I know of.

Question. Were you not so informed?

Answer. Never informed that there was any prejudice on that account, never.

Question. From the information you have do you suppose it was the intention of this crowd of young men to kill him?

Answer. I would not have been surprised, sir, if they had killed him if they had got an opportunity, sir. I do not know; I just give that as my judgment. Any men that will do as they did would do worse.

Question. You think there was a considerable feeling in the community after this attack on Mr. Few. What was the nature of that feeling?

Answer. Considerable feeling.

Question. Yes, you spoke about considerable feeling in the community?

Answer. I do not think there was any feeling; there was considerable excitement about the matter. I do not know that the feeling was against Mr. Few; it was against the occurrence.

Question. Do you think the community heartily and sincerely deplored the attack upon him?

Answer. I do; it led to a meeting and adjustment.

Question. As you were not present at that meeting nor in the community for nine months previously, how long after this did you visit there?

Answer. I have a plantation near there; I do not remember the time, but I am in that community very frequently. I do not now remember the time that elapsed.

There is almost constant communication between that place and the present county site.

Question. Were there many negroes in that community?

Answer. The population there is about equally divided.

Question. Had he taken an active part in political matters, in marshaling the negroes to the polls and distributing tickets, &c.?

Answer. No, sir; he never had.

Question. What political activity on his part had given umbrage to the democrats there?

Answer. It was not a political activity, but his relative, Judge Applebee, brought him to Crawford and kept him there about his office for several months, and while Few took no active part in politics he was always ready to take up and often provoke a quarrel on the subject of Judge Applebee, who was his personal friend and relative, and a republican.

Question. He was judge of probate?

Answer. Yes, sir; I have known of several personal altercations which grew out of remarks which had been made about Applebee and resented by Few.

Question. Then if I get your idea aright he was imported there as the champion of Judge Applebee?

Answer. Yes, sir; as a sort of desperado or champion of the judge of probate.

Question. Was the judge of probate in danger?

Answer. He fancied himself in danger.

Question. On what account?

Answer. I cannot tell.

Question. Were the democrats hostile to the probate judge?

Answer. They were politically hostile and personally not favorable.

Question. Had he been molested or insulted in any way?

Answer. Never maltreated; he may have been roughly spoken to; in fact, I have cursed him a few times myself.

Question. I infer from your testimony, Mr. Martin, that you affiliate with the democratic party?

Answer. Well, sir; I was never a hide-bound partisan. I have had the misfortune to vote the democratic ticket ever since the war.

Question. You regard it as a misfortune?

Answer. Yes, sir; because it was not successful.

Question. Were you in the war?

Answer. I was.

Question. In the confederate service?

Answer. Yes, sir.

Question. What was your rank?

Answer. I was a private, sir.

Question. Was any notice taken by the courts of this attack upon Mr. Few?

Answer. None that I ever knew of, sir. I may safely say that there was none, or I should have known it.

MONTGOMERY, ALABAMA, October 20, 1871.

BURTON LONG (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. Russell.

Question. Russell County?

Answer. Yes, sir.

Question. At what place in Russell County?

Answer. In two miles of Silver Run.

Question. Were you a slave before the war?

Answer. I was, sir.

Question. Who did you belong to?

Answer. Colonel Nimrod Long.

Question. Were you raised in Alabama?

Answer. I can't say I was raised in Alabama. I was partly raised in Virginia. I was sixteen years old when I left Richmond, Virginia, and was brought here by speculators.

Question. Have you at any time attempted to vote and been prevented from doing it?

Answer. I haven't attempted to vote and been prevented, but I have been driven on the polls.

Question. When was that?

Answer. That was in the last election, though I voted.

Question. State to the committee the circumstances of your being driven from the polls.

Answer. Well, sir, when I went to the polls and commenced, I was the candidate of that election, and I staid at that poll that day myself, and when I went there I was the only man that had the republican tickets in hand to issue it amongst the people; and there was another gentleman belonging to the other party that had some tickets printed precisely like mine. He had got hold of one of mine by my giving them out beforehand. He stepped out before me and said "Here's your republican tickets." I says "Let me look at one." He handed one to me and it was headed "Republican," and in the body of it was democratic nominees. Says I, "Mr., you can't call this a republican ticket with democratic nominees upon it," and I opened it then to the people. I says, "Here's two tickets now saying republican; it is to induce you men that cannot read to vote them that has on the bottom of them the democratic nominees; but there is only one full republican ticket here on the ground and I have that, and if you vote any other one, whoever wants to vote a republican ticket can't vote a republican ticket except he gets it from my hands, and if you want to vote the democratic, there it is in that gentleman's hands." Then this man couldn't pass any more of his tickets, and then my young boss, named Frederick Long, came up to me and says, "Burton, we have been raised together, and now you have come to opposition against me and my rights." Says I, "No, sir; I have no opposition with your rights." Says I, "We are standing like church people, as if I am a Baptist and you a Methodist, and if I gain the most members for my society, we ought not to fall out about it; and another thing, you ought to spoken to me and told me how to do. When I met you all I shook hands with you and asked you 'how do you do and all your friends and people,' and you seemed mad about it." And he says, "Yes, damn you; I don't expect to speak to you another time." I says, "Let's not fall out about political matters; let's speak and talk together as we always have done." He says, "Well, you have gone against the democratic party and I never expected that, and I never expect to shake hands with you, or speak with you, as long as you live." After a while he came again and says, "Let me see one of them tickets; you have plenty of them." I says "I have," and I gave him one. The flag wassort o' tore off of that ticket and he says "Give me another;" and I gave him another. He went off with them and came back and got another one. I says, "Look here, master Fred"—we always called him Bunk when we lived together—I says, "Are you going to vote that ticket?" He says, "No, damn you, not to save your life." I says, "What do you want for it? I wanted to get a dot for it," and he came back a third time and says, "Let me have another ticket." I says, "I haven't got them to spare; here's a heap of people want tickets and you are not going to vote them tickets any how." He says, "Give me one, you have plenty of them," and he took the ticket and he says "Do you want to see what I do with it?" I said "Yes." Then he just took the ticket and doubled the flag down and pasted the other ticket over it. He says, "I am going to beat you in that way." I says, "Do you call that honest or fair?" He says, "I don't care whether you do or not. I intend to beat you in that way." Then it raised a row there and he said he would whip me off of the ground, and I must leave. I said, "I don't want no fuss. I am just handing out my tickets." The garrison was there.

Question. Do you mean troops?

Answer. Yes, sir; he made at me to cut me. He said he intended to cut me to death if I didn't leave the ground. Then the colored people run up and surrounded me, to protect me; and by that time the garrison ran up and said they were sent there to command the peace, and there should be no fuss; that was about 11 o'clock. At 12 o'clock the managers of the polls stopped for dinner. I staid around until after they had eat dinner, and I says to Mr. Pollard, which was J. L. Pollard, "Will you open the door?" He says, "I have no more registration, and they can't vote here any longer; if they vote without this registration it is a penitentiary offense, from two to five years." There was two hundred voters standing around there then, with their tickets in their hands, ready to vote, and couldn't vote. I says, "Can't they go over here to Uchee?" that was a precinct called Uchee. He says, "I don't think they can; it is some eighteen or twenty miles from here to Uchee. If they walk there the polls may be closed so that they can't vote, and they will have to walk clean across the country back to night;" and some of them had done walked across one precinct to get to this place where the garrison was to protect them. I says, "What time is it?" He says, "One o'clock." I says, "It is a mighty bad state of business that I have to lose all these voters because of the registration giving out." He says, "Aint the republicans able to furnish you paper enough to register?" I have been furnishing it myself, and I don't intend to furnish any more." Then because I swore to what my own personal eyes saw that day, I was taken up and put in prison, and was in prison eight days, and almost lost my crop, which was just because I swore to what I saw and knew to be the fact and can now prove it was so. They arrested me and carried me to jail for perjury, and everything I possess is now taken from me because of that election.

Question. Were those two hundred voters, who were there to vote, prevented from doing so on that day?

Answer. Yes, sir; right there.

Question. What did he mean by saying that the registration had given out? Did he mean he had no more paper to register the voters on?

Answer. Yes, sir; that he had no more paper to register the voters on. They couldn't vote without that registration, and I understood that, and I wouldn't give one ticket out until they all came up to the platform and was registered before I would put a ticket in their hands. They found I was about to carry the poll at that time of day, and so they closed the registration on me and stopped the voting.

Question. Had the democrats all voted at that precinct?

Answer. I can't say whether they had or not.

Question. Did he refuse to receive any more votes after 1 o'clock?

Answer. Yes, sir.

Question. Did these colored men have an opportunity of voting that day at all? Did they go to another precinct?

Answer. No, sir, because they had done past one precinct to come to that precinct, allowing that they would have protection at that precinct, and that they could vote that wanted to vote. If they had walked on twenty miles farther, it would have been a mighty walk on them.

Question. Who was this Mr. Pollard? Was he a judge of election; the man that received the votes?

Answer. No, sir; he was the registration man. Mr. Long was one; he was one of my young bosses, and he was one of the managers of the poll.

Question. Was Mr. Pollard a democrat?

Answer. All of them were democrats; but I carried the election, and was elected in the county, and they left it to me, the night they were going to count out this box, to choose three republican men, and I chose three intelligent black men and sent them in there. They threw off of the list all that were not registered, and these men saw there that something had to come off of the democratic list as on the republican list, and the next morning they discharged these men and wouldn't have them any more, and then ran on themselves, and nobody knew what they did. It has never been decided what they did. After I had it tested here, and had the boxes brought here, they didn't open them here; and we had another testing of the boxes in Girard, and took the boxes there from this place, and when they did get there they had done robbed them, and the votes were all gone.

Question. Did you get a certificate of election, or were you defeated?

Answer. I was defeated; none of us got the certificate. Mr. Henry was the democratic man; I was the only republican man.

Question. What were you running for?

Answer. Legislature; I think he beat me, I am not certain, about one hundred and thirty votes, the way they decided it; but there were three boxes they wouldn't open for me, and when I pushed it up to have them opened, they robbed them before they were opened.

Question. Would you have had a majority if all of the votes cast in your favor had been counted fairly?

Answer. Yes, sir.

Question. Who caused you to be arrested for perjury?

Answer. Judge Waddell, the leading man of the democratic party there. He said to me the day the boxes was counted out, that God Almighty never made a nigger to legislate for a white man, and he would be damned if ever I should do it; and after I pushed it up here to have my rights, he told me I must leave the county, right here in this place. I told him I didn't intend to leave the county. He says, "If you don't leave this county you will stay in a damned horrible place;" and then I received a Ku-Klux letter.

Question. Have you got that letter?

Answer. No, sir; I sent it about amongst my friends, and it got lost.

Question. Do you recollect how it read?

Answer. Yes, sir.

Question. State its contents.

Answer. It said, "Ku-Klux, Ku-Klux: Look out for death, hell, and judgment, the whole host of you." It had two coffins on it, and two heads on it.

Question. Death-heads?

Answer. "Death, hell, the whole host of you;" that is, all the leading men who were republicans.

Question. How many colored men were prevented from voting, so far as your information extends, at that election?

Answer. I can't say for any other poll except where I was. I heard many others say at their polls they didn't get justice; but I can't say it for myself, except the one where I was.

Question. At that precinct, you say there were about two hundred prevented from voting?

Answer. Yes, sir.

Question. Would they all have voted the republican ticket?

Answer. Yes, sir; they all received them from my hands.

Question. Have you been ill-treated by the democrats since the election?

Answer. Horrible; almost dead; I have been put in jail, and been done everything to that a man could, have, and live.

Question. Have you had your trial yet?

Answer. No, sir.

Question. Are you bound over to court?

Answer. Yes, sir; to answer the charge of perjury, though they asked me to dismiss it. They said they would dismiss it at court.

Question. Who said that?

Answer. This same man you had here in court to-day.

Question. Mr. Martin?

Answer. Yes, sir. He said he would dismiss it in court. I said, "I don't believe that would be justice, because they put me in jail falsely, and I ought to have justice."

Question. Is Mr. Martin a leading democratic politician there?

Answer. No, sir; Mr. Waddell is; he is the man that had me arrested and put in jail.

By Mr. BUCKLEY:

Question. Did Mr. Waddell say anything to you at the time you were being examined in the contested-election case between Norris and Handley?

Answer. Yes, sir; that was the day he made these remarks.

Question. What remarks did he make?

Answer. He met me there in Columbus and said, "Burton"—calling me to him—"come here," and I went to him. He says, "You remember that sickly smile you made in the house?" Says I, "No, sir." Says he, "If you don't remember it, I will make you remember it. If I don't penitentiary you the next court, then God damn my heart." That was for testifying against Handley for Major Norris. "You expect to live in that county with us, and then go against Handley for Major Norris? If I don't penitentiary you, then God damn my heart."

Question. He threatened you in that way after you had given testimony?

Answer. Yes, sir; he threatened me in that way.

By Mr. BLAIR:

Question. Did he accuse you of swearing falsely on that occasion?

Answer. Yes, sir.

Question. Did he threaten to put you in the penitentiary for swearing falsely in that case?

Answer. Yes, sir.

Question. Was the charge made against you for perjury, for swearing falsely, in that case?

Answer. Yes, sir; that's why it was.

Question. You say these votes were refused because they were not registered?

Answer. Not registered.

Question. They are not allowed to vote without previous registration in this State, are they?

Answer. No, sir.

By Mr. BUCKLEY:

Question. The law requires that there shall be a registrar of voters near the polling-place to register voters upon the day of the election?

Answer. Yes, sir, upon the day of the election. That was done on the day of the election. I put the voters on the platform in front of the registrar's office to be registered, and when they came down from there they received the ticket out of my hands.

By Mr. BLAIR:

Question. Who was the registrar there?

Answer. Mr. J. L. Pollard had the registration office.

Question. Who appointed him registrar?

Answer. That I don't know.

Question. Was there any disturbance during the election in the county by armed negroes?

Answer. There was, sir.

Question. Did you go out at the request of the inhabitants to see these armed negroes marching through the county?

Answer. No, sir; I was in the city of Silver Run at the time I heard it.

Question. Were you requested by the people of Silver Run to go out and see these colored men who were marching over the county with arms on that day?

Answer. I was not, sir.

Question. Did you go to see them?

Answer. I did not. I saw them, though, when they came in the city.

Question. How many were there?

Answer. I can't tell you how many there were—I reckon about thirty.

Question. Why were they marching about on the day of the election with arms in their hands?

Answer. It wasn't on the day of the election.

Question. When was it?

Answer. It was five days after the election—about five days. It was the next day after we met together to count out the ballots; I think it was five days after the election.

Question. What was their object in moving about with arms in their hands and in a body?

Answer. Their object? Well, they had heard that the white people said that they should not have the right; even if I was elected I should not have it, which Judge Waddell had told me in the presence of them, on the day of the election, that God Almighty never did make a damned nigger to legislate for white men, and he would be damned if I ever should do it. When the day came to count out the ballots, there was a little boy, named Billy Thweat—we were there on Saturday night—and he, out of mischief, I reckon, gave out the reports to the colored people that they had killed Richard Mack, one of the leading men of the republican party, and taken Burton Long and put him in prison, because they had contended for the right of these ballots. Then the people, after it got out over the county, came to see whether it was so or not; and after they came and found out, and met the sheriff, and the sheriff told them there was nothing in it, and to give up their arms, they all submitted, and gave up their arms, and went back peaceably and quiet. They didn't hurt no person, nor threaten any person, as they came on, but came to see whether this thing was so or not; to see whether they had killed Richard Mack and put me in prison, and what they did that way for. They came up in town there, and saw me then in the town, and put up their arms, and went back. They saw me living, which they expected to find me dead.

Question. Did you vote?

Answer. Yes, sir.

Mr. BLAIR. I submit the following report of the grand jury of the city court of Montgomery, as it appears in the Montgomery Advertiser of October 20, 1871:

"GRAND JURY REPORT.—The grand jury of the city court, after a faithful session of nearly two weeks, adjourned yesterday. The following is their report:

"To the Hon. John D. Cunningham, judge of the city court of Montgomery:

"We, the grand jury, impealed by law, under your honor's direction, to inquire into all offenses committed against the peace and dignity of the State of Alabama, in the county of Montgomery, within the past twelve months; and also to inquire into the condition of the jail of the county, the county hospital, and also into the condition of the different offices of the county, as well as the books in the several offices, and of the bonds of the various officers, and find all matters affecting the peace of said county, after a protracted and patient investigation, do on our oaths make the following report:

"Having examined the books in the offices at the court-house, we find them all kept in a neat and business-like manner. We find the fee-books in the offices of the circuit and city courts properly kept in books suitable for such accounts, and also in the sheriff's office. On careful examination of the official bonds submitted by the Hon. George Ely, judge of probate, these bonds being filed in his office, we are of the opinion that all of the bonds are good and sufficient except that of M. T. Brainard, clerk of the circuit court, and those of R. W. Graham, marshal, of W. G. Huddleston, constable, Chas. E. Hogan, justice of the peace, Robt. Parker, coroner, Aug. C. Rose, T. R. Carter, G. H. Cochrane, justices of the peace, and Robt. Parker, Green H. Cochrane, and B. H. Hill, notaries public.

"Since the last session of the grand jury (in July, 1871) we find that the sum of \$4,349 25 has been paid to the hospital physician; that \$51 15 have been paid for repairing Haynes's bridge; that \$1,485 57 have been paid for books, stationery, and printing by order of the commissioners' court.

"We further find great inconvenience, if not injustice, visited upon the State witnesses in the management of the fine and forfeiture fund. The certificates for witness-money, when presented by the witnesses, are seldom or never paid. The consequence is that parties originally obtaining these certificates are glad to part with them at a very heavy discount to brokers in the business, who manage to discover the fine and forfeiture fund, from which they invariably obtain payment at par. We deplore the existence of this great evil, and think some remedy should be applied in the case.

"We further find that the commissioners' court have invested \$850 belonging to the convict-labor fund in the stock of the Montgomery and Eufaula Railroad Company. Since the last session of this court, Hon. Geo. Ely, judge of probate, has paid into the county treasury \$535 45 belonging to the convict-labor fund. We find that \$302 20, from the same fund, have been paid to the sheriff by order of the court of county commissioners for official services. We find that the money for which the two poor-houses were sold on the 7th and 16th of February, 1870, amounting to \$2,900, was paid into the county treasury by the judge of probate on the 23d of August, 1871, with \$125 97 interest. We find that only \$135 75 have been paid into the treasury by tax collector Falconer, since the last court, and that a large balance for moneys collected is still due by said Falconer, and that the treasury is empty and overdrawn to the amount of \$6,062 60. It also appears that \$18,976 99 of the bonded and scrip debt have been paid to Josiah Morris, and that \$120 of the bonded debt have been paid to George Ely, and that the bonded and scrip debt has been reduced to the sum of \$53,101 44.

"We find that great irregularity, to say the least, is practiced by many justices of the peace and notaries public, in failing to pay into the treasury the fines and forfeitures assessed and collected by them in cases tried before them, and retaining such collections until they have made costs on *frivolous and vexatious suits*, sufficient to absorb all the moneys received by them from fines and forfeitures. We also think that the practice of compromising frivolous and vexatious suits against innocent and ignorant persons in justices' courts deserves the strongest reprehension.

"We respectfully recommend the establishment of a county work-house in or near the city, for the benefit of female and juvenile vagrants and offenders. We recommend that all public works, hospital and poor-house burials, be let out to contractors, after advertising for the same.

"Upon examination, we discovered that the county hospital was in good condition, with abundant provisions and good medical attention, while it presents an appearance creditable to the parties in charge. We are of the opinion that its expenses in the payment of physicians' fees are too large, calling, as they do, for an unnecessary tax of several thousand dollars on the overburdened people of the county.

"On visiting the jail we found 51 persons, both male and female—all colored except two—incarcerated for various offenses. The prisoners were well clothed and cleanly in appearance, and all seemed healthy except one, who was afflicted with rheumatism. In this connection it is proper to state that Sheriff James H. Taylor deserves great credit for the order and cleanliness perceptible throughout the prison building, as well as throughout the entire inclosure within the prison walls.

"We regret to state that the building, as a place of security for criminals, is unsafe. Indeed, in its dilapidated state, it would appear almost impossible for the sheriff to retain a prisoner, desirous of escaping, outside of the cells. The floors of several of the wards were very much decayed, so much so that the floor might be stamped in with the heel of a boot, and the blade of a pocket-knife could be forced through the planks at almost any point. We are of the opinion that as soon as the county treasury may justify it, a new and more substantial jail should be erected, and that, in the mean time, the rear and side walls of the jail inclosure should be raised at least four feet higher, as a present necessary precaution against the escape of criminals.

"Only one apportioner has reported upon the condition of the roads. It is the opinion of the body that the present system of road-working is ineffective, and should be abolished, and that the roads in the county, as in the city, should be worked by contract.

"We cannot conclude this report without referring to the deplorable extent of petty thieving going on in every part of the county. Hogs, poultry, cattle, corn in the fields, cotton, from both fields and gin-houses, are constantly appropriated, to the detriment of the owners, the discouragement of the planters, the irritation of the community, and the general corruption of society. A regard for truth compels us to state that this system of thieving is principally carried on by unprincipled colored people, at the expense not only of the white planters, but of the *industrious men of their own race*, of whom, we are glad to say, there are many notable examples in our midst, whose interest it is that this condition of things should cease to exist. It is to be hoped that the wisdom of our rulers will find some proper remedy for wrongs which no society can be expected to permit to go on with impunity. We believe it to be the desire, as it is the interest, of all good men in the community, both white and black, that those who toil shall enjoy the fruits of their labor, and that they shall not be subject to the constant and costly depredations that are committed by those who prefer to live by pilfering rather than by honest work.

"In conclusion, we return our sincere thanks to your honor, the county solicitor, the sheriff, and his assistants, for courtesies extended to us during the performance of our duties as grand jurors.

"All of which is respectfully submitted.

"C. B. FERRELL, *Foreman*

MONTGOMERY, ALABAMA, *October 20, 1871.*

ROBERT W. HEALY sworn and examined.

By the CHAIRMAN:

Question. State your official position.*Answer.* United States marshal for the southern district of Alabama.*Question.* What is your place of residence?*Answer.* Montgomery, Alabama.*Question.* You are acquainted, of course, with Richard Busteed, judge of the United States district court of Alabama?*Answer.* Yes, sir.*Question.* Have you had any conversation with him in relation to the existence of the order known as Ku-Klux in the State of Alabama and the disturbances growing out of that organization in different parts of the State, and the immunity which the Federal officers enjoyed from visitations from that order?*Answer.* Yes, sir; I have had conversations with him in relation to the outrages done in this State.*Question.* More than one conversation?*Answer.* I may have had more than one, I do not remember exactly.*Question.* Have you had any particular conversation with him which is now in your mind?*Answer.* Yes, sir.*Question.* When did that occur?*Answer.* It occurred in the latter part of March last.*Question.* Was that during the session of the district court?*Answer.* I think it was before the court was adjourned.*Question.* Was it in this place?*Answer.* Yes, sir.*Question.* What did Judge Busteed say to you in the conversation upon that subject?*Answer.* My recollection is that he appeared to admit the condition of things spoken of, and said that he made it possible for republicans to live in the State of Alabama.*Question.* Do you remember what led to that observation?*Answer.* I think what may have led to it was a conversation in relation to his connection with the republican party and his influence in it.*Question.* In that conversation did he express a doubt of the existence of that order in this State?*Answer.* My recollection is that we were speaking generally of outrages, not particularly of any order.*Question.* Did he doubt the existence of outrages committed by bands of disguised men?*Answer.* It did not appear to me so.*Question.* Have you had any conversation with him in relation to the disturbances in Western Alabama?*Answer.* I do not remember that I have particularly of these outrages. We were speaking generally.

By Mr. BUCKLEY:

Question. Was any one present with you and the judge when he made that remark?*Answer.* I think Judge Minnis was present, sir.*Question.* In speaking of himself, did he speak of himself as constituting the United States court—as the officer of the court—or of his political influence that gave you or gave republicans protection?*Answer.* I understood it to be both.*Question.* You then understood him to mean that it was through his court and through his influence that the lives of republicans were safe here?*Answer.* Yes, sir.*Question.* Did he intimate that they would be driven from the State if it were not for himself?*Answer.* He did not state so in so many words. He said, "If it were not for me a republican could not live in the State." I think those were his identical words.*Question.* Pointing to himself?*Answer.* Yes, sir. He said, "If it were not for me."*Question.* Was this before the 23d day of June last?*Answer.* Yes, sir.

By Mr. BLAIR:

Question. You did not believe that, did you?*Answer.* Not fully.*Question.* You do not think that he believed it, do you?

Answer. I do not know that, sir.

Question. You have some idea, now, whether he was or was not trying to humbug you or himself with the idea that he had all this power?

Answer. He might have been.

Question. Was it not simply an attempt to humbug you or himself?

Answer. That might have been.

Question. Do you not think it most probable, knowing him as you do, and familiar with his ways, and the grand style he puts upon occasions?

Answer. He sometimes exaggerates in his terms in conversation.

Question. It was merely a pleasant exaggeration, tending to humbug himself, was it not?

Answer. Well, sir, I could not exactly say whether it was or not.

Question. You can say what you think about it.

Answer. I do not believe he meant it, to the extent his language implied.

By Mr. BUCKLEY :

Question. Does not the United States judge of this district generally mean what he says?

Answer. I think he does, barring occasional exaggerations in his language.

Question. Do you think it was a piece of exaggeration when he gave a specific account of the state of affairs here in his examination at Washington?

Answer. I do not know. I haven't seen his testimony.

Mr. BLAIR. He was under oath when he gave his statement at Washington.

By the CHAIRMAN :

Question. Do you think it would make any difference with a judge of a United States district court whether he was under oath in any statement he saw proper to make?

Answer. I presume it would, sir.

Question. Do you mean to imply, then; that he was not always reliable in his statements when he was not under oath?

Answer. No; I mean that a person, be he judge or no, would be more careful in his statements under oath.

Question. Have you any doubt, from your various conversations with Judge Busted, that he believed in the existence of these outrages committed by men in disguise in different parts of the State of Alabama?

Answer. Well, I think that he believed so, sir.

DEMOPOLIS, ALABAMA, October 23, 1871.

General SAMUEL W. CRAWFORD sworn and examined.

By the CHAIRMAN :

Question. Please to state your name, your rank in the military service, and to what portion of the Department of the South you have been assigned for duty.

Answer. Samuel W. Crawford; colonel Second Regiment of Infantry and Brevet Major General United States Army. I am stationed in the State of Alabama, in command of the section known as Northern Alabama.

Question. What number of troops have you under your command, and how are they distributed?

Answer. The whole of the force in the State of Alabama at present consists of but three companies. One stationed at Huntsville, consisting of between fifty and sixty men, and two at Mobile. I have command of my regiment, which is scattered over four different States; but except the troops in North Alabama, I have no power to move or dispose of any of them. That is done at department headquarters, by the general commanding the department. There is one company at Spartanburgh, South Carolina; there are two companies at Atlanta, under the major, and there are two companies in Florida. Within the last week, I may say, upon the requisition of the governor of Alabama, a company has been sent from Atlanta, by the orders of the general commanding the department, to Marengo County, on account of some disturbances there, and they are now stationed at a place called McKinley.

Question. Do you speak of Marengo County, Alabama?

Answer. Yes, sir; Marengo County, Alabama.

By Mr. BLAIR :

Question. That is this county?

Answer. Yes, sir.

By the CHAIRMAN :

Question. How long have you been in command in Alabama, and where are your headquarters?

Answer. I came into Alabama, with my regiment, in April, 1869. I was placed, by the order of General Terry, in command of North Alabama, and have exercised that command continually ever since, except at the period of the last election, when I was placed in command of all the troops in the State.

Question. Your headquarters are at Huntsville?

Answer. Yes, sir; my headquarters are at Huntsville.

Question. What opportunities or means have you had of informing yourself of the condition of the different parts of Alabama as to peace and order and the enforcement of the laws?

Answer. The nature of my duties has called me to different sections of the State repeatedly, and the instructions that I have received from my military superior directed that whenever it became necessary, I was to confer directly with the governor of the State in all matters pertaining to the interference of the military with the civil authorities. This has carried me to Montgomery, upon the requisition of the governor, a great many times, and I have been in different portions of the State frequently, and have had free conferences with its people of all conditions, with the exception of the extreme southern part of the State. The southern section of the State I have been but very little in, except in Mobile. I have been there once or twice, but not on military duty.

Question. If there have been disturbances of the peace, occasioned by men banded together, which have been reported to you, or have otherwise come to your knowledge, you may furnish the committee with a statement of the cases, and the particulars, so far as you are able to do so.

Answer. When I came first to Alabama, and for some months after the establishment of my headquarters at Huntsville, reports of disturbances in different portions of the State were made to me under the impression that the military had authority to act directly. Those documents I have preserved; I have been the custodian of them. Some are originals, but generally the originals have been transmitted at once to my superiors for their action; these extend over a period from the spring of 1869 until the end of 1870. Gradually they diminished in number, both in consequence of the instructions I received, and from the gradual knowledge of the fact by the people of the State, that the military had not authority to act directly, and in fact that never was done. These applications gradually ceased to come to me, until now I receive scarcely any. During my stay at Huntsville, and particularly in the early part of it, I was constantly sought by persons who complained that outrages had been committed upon them, principally negroes, some white men, and who were anxious to make statements. I required, in all cases, that they should make these statements under oath. These affidavits constitute a part of my papers; several of them, indeed most of those affidavits, I have here. Some I have sent on, but I have retained copies of all I received. It was my object to do so. Some of these disturbances and outrages upon people I was directed to examine. Wherever they occurred in North Alabama, I did not require that authority, but examined them myself, not personally, because I could not do that, but I sent officers to examine them, and I have their reports among these papers. At once after my arrival I asked General Terry, who was then placed in command of the department, for written instructions for my guidance, and I received from him a letter which I submit to the committee. [The witness here submits to the committee a document which will be found at the end of his testimony, entitled, "Instructions by General Terry to General Crawford."] These instructions were transmitted with copies of some printed instructions sent to some officer acting in Georgia. They simply required the constitutional use of the military, and that we were to initiate nothing ourselves, but to await the call of the proper civil officers. Upon this letter and upon these instructions my action in the whole of my command has been based. I have never received anything which has tended directly or indirectly to set them aside. I therefore told the most of these people, when they came presenting these complaints to me, that they must first apply to their own courts, to the civil authorities; that I could not assist them directly by military aid. In almost every instance they preferred, and the negroes especially sought, the strong arm where they could. The negro did not seem to have much confidence in the civil authorities, and did not know what to do; they were ignorant of the processes of the courts and of the laws. Therefore when they came in, my habit has been to send them to the probate judge of Madison County or the clerk of the court, who, without charging them, would take these affidavits, and they have then been returned to me. Subsequently I pursued this plan, as I was required to do by the general commanding the department; I would send these papers to him with any notes in the case that I thought proper to make, and frequently I would send copies of them to the governor of the State, and in one or two instances I called his attention directly to certain things that had been done. This was the case in 1869 especially. A very aggravated case occurred in Morgan County. A man from there came directly to me, I believe, be-

fore he had been anywhere else. His name, I think, was Dean Reynolds. He had been attacked by disguised men in a place called Somerville, in Morgan County, where he lived; and according to his own sworn statement, which I had no opportunity to test, and he had never been cross-questioned, he had been much maltreated by disguised men, and had got into a furious fight with them, in which he had torn the disguise from their faces in defending himself and his wife. He did not hesitate to go and make complaint before the proper authorities. Warrants were issued; I was called upon, and sent some troops there under an officer whose report was made of the occurrence. The facts appear in the report of the officer to me. I know nothing of the matter personally. This man, (Reynolds,) after making the statement against these parties on which warrants were issued and put in the hands of the sheriff for their arrest, was sent down by me, and the officer was directed to protect him while he gave his evidence. Judge Ford, the probate judge of the county, told this man on his appearance in court that the arrests had not yet been made. In the afternoon the sheriff came in with these men. The judge had told Reynolds he had better go home to Madison County, and he would apprise him when the arrests were made. When in the afternoon the sheriff came in with these men against whom the warrants had been issued, the judge dismissed the case, saying that there was no public prosecutor. I called the attention of the governor to this case, and told him I thought it ought to be investigated; but, as far as I know, that was the last of it. I have the governor's letter, and the report of the officer in the case, if the committee desire them. That was in the earlier part of my service here.

By Mr. BUCKLEY:

Question. Have you the report here which that officer made?

Answer. I have. Afterward, as I stated before, it was impossible for the military, under their instructions—for me, under my instructions—to initiate any movement in regard to the matter. I simply filed all these papers without examination. A great many of them are of importance undoubtedly; others I do not think are of great importance. The object of the general commanding the department was as indicated by his instructions to me, and my object was, as far as possible, to commit all these things to the operation of the civil law and of the courts. It was when that could not be obtained, and it was so declared, that troops were used in support of the civil officers, and in that way alone.

By the CHAIRMAN:

Question. Are you able to furnish the committee with a statement of the cases that were reported to you?

Answer. I can, sir; I have them all with me.

Question. I would be glad if you would take them up case by case.

Answer. They are all in sequence since the time I took command. There is a large quantity of them, and about many of the cases I know nothing whatever personally. Those documents have been divided into two classes. The first class consists of those documents and papers that have been furnished by officers, but all bear upon the civil relations of the State.

Question. Your subordinate officers?

Answer. Yes, sir.

Question. Will you please give the committee the substance of those reports?

Answer. The first class consists of reports of investigations, &c., by officers, with appended documents, for the year 1869. The second class for that year consists of the applications for military aid, affidavits, statements, &c., from civilians. [The documents mentioned by the witness will be found at the end of his testimony, classified and numbered.]

The first of these papers is dated August 11, 1869, and was written by myself to Colonel Joseph H. Taylor, assistant adjutant general, Department of the South, forwarding documents in the case of Dean Reynolds, whom I spoke of, and appended to my letter are the official report of First Lieutenant Keller, who was in charge of the detachment at Somerville; the affidavit of Dean Reynolds; my appeal to the governor of the State, and the reply of his excellency.

The second paper is dated August 23, 1869—

By Mr. BLAIR:

Question. Before leaving that case I would like to ask if Dean Reynolds and the other party in that case are within the reach of the committee?

Answer. Dean Reynolds is at Huntsville, I think. He left that part of the country where he was living, Morgan County, and came away. He staid about Huntsville until long afterward, coming to me to get something done about his case, but I felt that I had no authority whatever to interfere with it. I had left it with the governor. This case of Judge Ford, or Dean Reynolds, was laid before the foreman of the grand jury, Judge Charlton, who was afterward killed. He came to my headquarters at the

session of the spring of 1870, I think, and asked me all about this case. Judge Busteed recalled his grand jury, which was unusual, and charged them on the civil-rights bill, and held that this case or this action of Judge Ford came directly under that. Judge Charlton came and asked me for the circumstances, and they had my papers before the grand jury. What was done I do not know, except that I heard that the grand jury found several bills in regard to Judge Ford and others, but that no *capias* was ever issued by the court. I asked the marshal subsequently what was done, and he said he did not know that anything was done; that he had never received any process. I lost sight of it then.

By the CHAIRMAN:

Question. No persons were ever arrested to your knowledge?

Answer. No, sir.

By Mr. BLAIR:

Question. The question I wanted to ask was whether these parties are not all within the reach of this committee now, so that they could take that testimony direct?

Answer. As far as Dean Reynolds is concerned, I do not know; but all the others are.

Mr. BLAIR. Then I wish to make the point that, if these parties are within the reach of the committee, we should have them here, and not take these *ex parte* statements.

The CHAIRMAN. We have been in the habit of taking secondary evidence from the beginning, and I think this is inaugurating no new rule. I propose to examine General Crawford upon such cases as have been reported to him, supported by the affidavits of the parties injured, and that this testimony go into our record for what it is worth. Of course, where it is practicable to reach the parties themselves, it is desirable that we should do so, and, so far as the majority of the committee is concerned, there will be no obstacle interposed to having them brought before the committee; but I think that we would not be doing the duty which Congress sent us here to perform if we did not avail ourselves of such testimony as was reported to General Crawford, and of which he made memoranda at the time and has kept a record.

Mr. BLAIR. I have no objection, as a matter of course, to this testimony, if I am at liberty to call parties for explanation of what has occurred in these cases.

The CHAIRMAN. No obstacle will be interposed, if it is desired to have the parties before us wherever it is practicable. You are aware, of course, that our time is limited, and we have to visit other States, so that it is scarcely possible that the committee could reach one-half of the parties who have complained to General Crawford.

Mr. BLAIR. Then I submit that we should not attain what Congress has desired of us. We should only get partial statements in this manner, when it is in our power to make a thorough investigation. I think that it is not what Congress and the country desire in this investigation.

The CHAIRMAN. It is evidence of a respectable character, since, as I understand, affidavits of these facts were made to the commanding officer; and it seems to me that, under the circumstances, this is the best attainable evidence, since it is quite impracticable to get all these parties, now scattered through different portions of this State and other States, before the committee.

Mr. BLAIR. These papers do not profess to give anything more than one side of the cases. They are the complaints, and, in some instances, the action of the officers, but do not profess to sift the matters, or to give any real result. They are not judicial investigations, and mislead for that reason.

The CHAIRMAN. I cannot think that it was in the contemplation of Congress that the committee should visit the locality of every particular outrage, or limit itself to simply examining the party outraged, or the witnesses who actually saw the violence. In the majority of cases it would be impossible to produce the witnesses, inasmuch as they consist frequently of the very persons who have committed the outrages, and who were in disguise.

Mr. BLAIR. I supposed that we were sent here for the purpose of going upon the ground to verify the statements and obtain the actual facts in the case, and not to cRAIN our record with *ex parte* statements of persons who professed to have been outraged, without examining into the case, to see whether their statements were true or false.

The CHAIRMAN. Wherever it has been practicable to do so, the committee have preferred to have the parties outraged or those who were witness of the outrages before them; but, as you are aware, it is quite impracticable to do that in the great majority of cases, and we must content ourselves with secondary evidence, the very best attainable, unless we choose to go into every neighborhood where the law has been violated. However, your objection will be placed on the record, if you desire a vote of the committee.

Mr. BLAIR. I desire my objection to be placed on the record. I do so in this case on the ground that we have left the neighborhood where these transactions took place, and there is no possibility of my getting witnesses in regard to these transactions to show their real nature, and whether the complaints were well or ill founded.

By the CHAIRMAN :

Question. Proceed now with the statement of the cases.

Answer. After this complaint was made in August—

Question. Is that the Dean Reynolds case ?

Answer. Yes, sir ; I have already submitted his affidavit. After that was made, I sent an officer there to make an examination of the case, and on August 7, Lieutenant Keller returned the report which I submit to you.

Question. What judge does Lieutenant Keller refer to in his report ?

Answer. Judge Ford, the probate judge, who had made the examination in this case. My letter to Governor Smith, asking him to interfere and have these men arrested, follows, together with his reply that he would call upon the civil authorities to do their duty. That was all. No further statement was brought to me ; of course, it would not have been brought to me, and these reports were all sent to the headquarters of the department. I never heard what the other side had to say at all.

Question. What were the politics of Judge Ford ?

Answer. I cannot be certain. I think he was rated as a republican for a long time, but I do not know.

By Mr. BUCKLEY :

Question. Was he the judge who was appointed after Judge Charlton was killed ?

Answer. No, sir ; he was elected judge before Judge Charlton was killed.

By Mr. BLAIR :

Question. He was elected, I presume, at the election when the constitution was placed before the people ?

Answer. Yes, sir ; he was.

Question. And when the democrats had no candidates for any of the offices ?

Answer. Yes, sir ; I have heard that, and that the democrats declined to make any nomination.

By Mr. BUCKLEY :

Question. Was not Judge Charlton the judge elected and afterward killed ?

Answer. Judge Charlton was not a judge at the time he was killed. He had been judge of probate of Morgan County, but his term had expired.

Mr. PRATT : This man Ford signs himself probate judge.

By Mr. BLAIR :

Question. I believe you have stated everything you know in reference to this case ?

Answer. Everything. I was merely the medium of communication. I ordered the investigation in accordance with orders in this case, and sent the papers up to headquarters, and I asked the governor to interfere.

Question. Governor Smith ?

Answer. Yes, sir ; at that time governor of the State. He replied very promptly.

Question. You do not know whether the case was really investigated before the court subsequently, or not ?

Answer. No, sir ; I do not. I have never heard of it since. I would like to say to the committee that this result is characteristic of a large proportion of these papers ; that is, that cases more or less similar to this were filed with me, and, unless ordered to investigate them, I heard no more of them.

By the CHAIRMAN :

Question. If General Blair has no further questions concerning that case, you may proceed to the next case on your list.

Answer. The next case was August 23, 1869. Lieutenant William M. Wallace, United States Army, reports regarding an outrage upon George Moore and Robert Roundtree, colored citizens of Cherokee County. Appended are the affidavits of Cynthia Bryant and Rienna Barry, colored, and the statement of George Moore, colored, with the affidavit of Joshua L. Belote, white, and the statement of Joshua Hamilton, white. I know nothing about that case myself. I do not think it was ever examined at all. Here is the report that the officer, Lieutenant Wallace, made to me. [See Appendix.]

Question. Have you the statement of the girl that was ravished ?

Answer. Yes, sir ; that was the statement of Cynthia Bryant ; she does not confirm their statements ; she says nothing about it. That occurred near Alpine church, Cherokee County, Alabama ; there were troops sent there and detained there for some time. I believe Alpine is right across the State line ; Summerville is in Georgia, and Alpine quite close to it, in Alabama ; that report I transmitted, and I know nothing further about it.

Question. Do you know whether any regular proceedings were ever taken in that case ?

Answer. I do not know, sir.

Question. You may proceed with the next case on your list.

Answer. The third case is dated August 24, 1869. Captain George H. McLoughlin, Second Infantry, reports the arrival of John Henry Evans at his camp, at McClung Springs, which is in Madison County, and his statement of a skirmish between the colored men and the Ku-Klux. [See Appendix.]

Question. Is that report accompanied by any affidavits?

Answer. No, sir; it is just a statement of the officer. He sent the man back with instructions, that if the disturbances were not quelled, let him know by courier; but they were quelled, and I heard nothing more of them.

Question. You may proceed with the next case.

Answer. The next, or fourth case, is a report by Captain McLoughlin, of a disturbance at Vienna, in the northern part of Alabama. [See Appendix.] At that time the northern part of the county was very much disturbed. These Evanses gave a great deal of trouble, but it was all changed afterward, and there is no trouble there now, and has not been for a long while.

By Mr. BUCKLEY:

Question. Was it reported that these Evanses were members of the Ku-Klux organization?

Answer. No; not by any evidence that I regarded as reliable at all. Indeed, I do not know that it was reported at all; they were just bad men in that section of the country, lawless men, who were constantly in trouble. In some of these documents, subsequently, you will find where the best citizens—indeed, every one of them democrats—call upon me for assistance, and I sent troops there, and things were quieted.

By the CHAIRMAN:

Question. Will you proceed with the next case?

Answer. The next case, No. 5, of class first, [see Appendix,] is a report by Lieutenant M. Frank Gallagher, Second Infantry—he was regimental quartermaster at the time—dated August 27, 1869, regarding the state of affairs in Greene County, Alabama. I sent him down there for that purpose; I am not certain whether I received an order to send him or not. There was complaint from there, of a serious character.

Question. Was this subsequent to the killing of Boyd?

Answer. No, sir; it was before the killing of Boyd; that was done in 1870. I sent Lieutenant Harkins to examine into that murder, and his report is here. I received constant application from the civil officers there, desiring to have an examination, and I sent one of my officers there to examine and report. This officer, Captain Gallagher, in this report, is giving his own opinion, as you see. He was a young officer; he was with General Sibley, in Georgia, and was in charge of civil matters from the very end of the war. I do not think the troops were at that time sent to Greene County. I think the reason was, we didn't have them to send, but persons were constantly applying for troops to be sent there, and to be stationed in that section of the State. The Hon. Charles Hays applied at Washington and applied to me. I have his letter somewhere.

Question. Will you proceed with the next case?

Answer. The sixth case is dated October 1, 1869, and is a report of First Lieutenant James Miller, Second Infantry, regarding the intimidation of voters; appended to it is a list of registered colored voters, together with the affidavits of John Stewart and Isadas H. Davis. [See Appendix.] It is a case in De Kalb County, Alabama. These were political matters, election matters; though they came to me in my papers, I took no action in regard to them, as being not within the scope of my duty. That officer, Lieutenant Miller, was down there during the election, and took these notes and sent them up for my general information.

By Mr. BLAIR:

Question. Do you know Mr. Dox?

Answer. Yes, sir; very well indeed.

Question. Do you believe he ever used any such language as is stated in these papers?

Answer. I think it is very doubtful, indeed. I have spoken to him on that subject; I told him I had such a paper. He came to me once about it, and said it was utterly untrue; that he had never made any such statement.

Question. From what you know of Mr. Dox, and his conduct, living right in Huntsville, or near there, his conduct as a matter of course has been under your observation—

Answer. It has been.

Question. Do you believe one word of this statement from what you know of him?

Answer. I must say there is nothing that I have ever known of Judge Dox which would make me believe that it was true. I had a long talk with him about it; we discussed it very thoroughly, and I told him I was very much surprised to hear it. But one thing I would like to say about the judge—when he gets on the stump he says some very reckless things sometimes, and what, in the heat of the campaign, &c., he

might say, I cannot tell. This I never investigated, because I have tried, as far as I had any administration in Alabama, to avoid any political matters at all. It was their own affair, and except where I was called upon in my office as a soldier to interfere, I have kept out of it. I do not believe that Judge Dox ever made the statement attributed to him.

By the CHAIRMAN;

Question. Was Judge Dox a candidate for Congress at the time of this alleged statement?

Answer. Yes, sir; he was making the canvass. I asked Lieutenant Miller if he had talked to these men that made the affidavit about him; he said he had, and the men adhered to it.

Question. Was the officer of opinion that the witnesses were to be believed?

Answer. Yes, sir; I asked that question.

Question. He saw them and conversed with them?

Answer. Yes, sir.

Question. And they confirmed the statements made in the affidavits?

Answer. I do not know whether he questioned them on that, but he said he believed them.

Question. Well, proceed to the next case.

Answer. The next case, No. 7, class first, 1869, [see Appendix,] is dated October 2, 1869, and is a report made by Lieutenant Charles Keller, Second Infantry, transmitting certificate of Judge Hunnicutt, which is appended to it, certifying that no election was held in precinct No. 1, Cleburne County, fifth congressional district of Alabama, and giving the reason rendered by the inspector therefor. That is another political paper I do not know anything about, except what may appear on its face; indeed, I do not know that I ever read it before.

Question. Proceed to the next case.

Answer. Case No. 8, class first, 1869, [see Appendix,] is a report of Lieutenant Keller, dated October 26, 1869, of the murder of a negro in Calhoun County, and the measures taken to arrest the murderers.

The next, or No. 9, of class first, is also a report of Lieutenant Keller, dated November 14, 1869, Cross Plains, Calhoun County, Alabama, of outrages perpetrated by disguised men. These are all the papers of the first class, as I filed them, belonging to the same class of things and covering the time to the end of 1869.

The second class are applications for military aid, affidavits, statements, &c., from civilians, and covering the same period of time.

The first of class second, 1869, [see Appendix,] is of date June 15, 1869, and is the affidavit of Diana Williams, concerning a Ku-Klux outrage, in which she was whipped, three miles from Rodgerville, Lauderdale County, Alabama, on the 12th of June.

The next case, No. 2, of class second, [see Appendix,] is the affidavit of G. Cornelius, in regard to the Ku-Klux taking arms from the plantation on which he was working, and also from adjoining plantations; also searching all houses for money and arms, June 5, 1869.

No. 3, of class second, 1869, [see Appendix,] is a letter dated Huntsville, July 7, 1869, from L. M. Douglass, probate judge, stating that the civil authorities of Madison County are insufficient to check outrages, and requesting that troops be sent to localities where depredations are most frequently committed. I would like to say to the committee that this letter came to me in consequence of a refusal on my part to act with the military, as I regarded my duty under my instructions, unless the civil officers would call upon me for aid, either the governor of the State, or the probate judge, or the sheriff, or a justice of the peace, or some one authorized to call a posse.

Question. Did you take any action in consequence of that letter?

Answer. Yes, sir; I sent troops to the point where they were required. I do not remember what particular point it was, but I sent them. There is still another letter, which Judge Douglas transmitted to me.

No. 4, of class second, 1869, [see Appendix,] is an affidavit of Daniel Vix, dated July 12, 1869, concerning an attack upon his house by disguised men, on the 10th of July, 1869. It was to such papers that I referred when I said that some of them had no weight whatever. I recollect this man indistinctly, but I know he was very much frightened, and that he knew scarcely anything of his own knowledge, but his affidavit was made, and I filed it.

The next case is No. 5, of class second, 1869, [see Appendix,] and is dated July 23, 1869, and is the statement of the deputy sheriff, Joseph Lee, concerning outrages in Lawrence County. I endeavored always to obtain a positive statement and affidavits from the civil officers of the counties, and in nearly every instance I got them.

No. 6, class second, 1869, [see Appendix,] is an affidavit of James Sanford, July 24, 1869, concerning the murder of Lewis Campbell by disguised men. The statement of Mary Campbell, the widow of Lewis Campbell, is No. 9, which we will come to in a moment. She went to court and made that statement. Sanford had made his state-

ment, and was told by the probate judge that the wife must come in and give her testimony, and her affidavit is document No. 9.

The next case, No. 7, of class second, 1869, [see Appendix,] is a letter of Joseph P. Doyle, sheriff of Madison County, asking for military aid to arrest certain murderers. Upon the receipt of a letter like that, I considered that the entire conditions were complied with under the law and my instructions, and upon such a demand it was my duty to furnish all the troops I could. The sheriff of Madison County did this, because I lived there and I knew the people. To all outward appearances everything to me seemed quiet, but in that early period there were serious disturbances, which have since quieted down remarkably.

By Mr. BLAIR :

Question. What did you do when you received that letter ?

Answer. I sent for the sheriff, and asked him, "Where are these murderers, and where do you want troops?" He said he wanted to make some arrests, and wanted some men. I gave him some men. He wanted some troops stationed in Vienna, I think, or at Madison Station. I sent them down at once, as soon as I found that he was going to control them himself.

Question. Did you find such a condition of affairs as is described in that letter ?

Answer. I did not; I scarcely ever investigated. If the civil officers wanted the troops, that ended my investigation.

Question. You knew the result of the operation of your own troops ?

Answer. No, sir; for I considered them, then, a posse in the hands of the civil officer.

Question. They never reported to you, then ?

Answer. The civil officers scarcely ever reported to me.

Question. Do you not know outside of any report of that civil officer ?

Answer. Yes, sir.

Question. If there had been such a state of affairs in the county as reported there, would it not have been the duty of that officer to report it ?

Answer. Yes, sir; while the civil officers never made me any report, my officers always reported.

Question. Did your officers report any such condition of affairs as was reported by the sheriff ?

Answer. General lawlessness that was exhibited or tangible? No. But particular instances there were, and some very bad cases, which undoubtedly required the assistance of troops. That opens a question that I would be glad to speak of to the commission; and that is, the general character of the civil officers throughout the State where I came in contact with them. This man Doyle was very generally looked upon by the people as wanting in stability and character. He had neither influence nor authority. He was a man who was intoxicated nearly all his time, and I sometimes hesitated very much in regard to letting him have the use of the military, simply on account of his personal character. I would let the probate judge, Douglass, have them when he would say it was necessary in order to "preserve the peace." At that time, in the beginning of 1870, and in 1869, it was necessary.

Question. In reference to this loose application of Doyle, in which case you furnished him troops upon his requisition, do you recollect anything at that time that justified the declarations that he made in his application, of general lawlessness and the necessity for troops ?

Answer. As to general lawlessness over that entire county, no; but at particular points there was lawlessness, and to those particular points he addressed himself with these troops.

Question. What report was made to you in reference to this particular application by the officer whom you employed ?

Answer. I am not quite certain now whether that was a general requisition upon me, that at any time when he wanted them he could get them, or whether it was for particular instances specified. I know he began to send here and there and everywhere. In Meridian, eight miles from my headquarters, disguised men made their appearance, and the civil officers wanted troops. I said, "Very well, if the civil officers cannot execute the law, let the sheriff apply, and state that fact, and he shall have every man I have;" and finally they got Doyle to do this. I was alive to the fact that the use of the military, especially under my instructions, required the civil officer to satisfy me that a condition of things existed in which he was powerless; and I think they virtually made that statement to me, and such I found to be the fact.

Question. Did you not ascertain whether the statement was justified either at the time or subsequently ?

Answer. No, sir; not in all instances. I had no legal right to do that. I did that for my own information and guidance; but it did not influence me in sending troops, because I was acting as a ministerial officer for the execution of the laws.

Question. As to your private information, was this application justified; did you discover afterward that it was ?

Answer. In every case, no, sir.

By the CHAIRMAN :

Question. I understand you to say, however, that there were repeated instances of lawlessness in Madison County by bands of men disguised, during 1869 ?

Answer. Yes, sir.

Question. Madison County is a large county, is it not ?

Answer. Yes, sir.

Question. Some portions of it are mountainous ?

Answer. Yes, sir.

By Mr. BLAIR :

Question. Did not the necessity for employing troops result, in your opinion, from the worthless character of those officers as much as from anything else ?

Answer. I think so, decidedly.

Question. If he had been a faithful and efficient officer, would troops have been necessary ?

Answer. If he had been such an officer, and had possessed the confidence of the people, I think he could have executed the laws in the majority of instances, but not in all.

By Mr. BUCKLEY :

Question. Was he sheriff very long of that county ?

Answer. Yes, sir. I think he is sheriff still. I went down to Montgomery, and there tried to get some sort of an act passed by which they could relieve these worthless sheriffs, because I found that this was the great stumbling-block in the State—the inefficiency of these civil officers. They would get into difficulty, and could not execute the law, and the only course was to call a posse to enforce it. The first desire was to call for soldiers, and as soon as they got them they would get behind them, expecting the soldiers to do everything.

Question. Did not Mr. Doyle resign some time ago ?

Answer. I believe he did. It will be seen, when we come to investigate some matters in Morgan County, that a state of lawlessness existed there—not political at all, but there was great difficulty, and you will see the action of that sheriff there, and what he did.

By the CHAIRMAN :

Question. Is it your opinion that the sheriff could have commanded the services of an efficient civil posse for the purpose of making the arrests of these lawless men ?

Answer. I think a sheriff who had the confidence of the people there could have done so ; in other words, I think if the sheriff had been a democrat, he could have done it, against persons distasteful to the community.

Question. I was about asking whether this want of confidence in the sheriff arose, in a measure, from his political sentiments ?

Answer. That that had something to do with it, I believe. I certainly think so ; but it had not all to do with it. There was also the worthless character of the man—the utter want of confidence by the people in him.

Question. Proceed with the next case.

Answer. The next case, No. 8, of class second, [see Appendix,] is that of E. M. Mulligan, a school-teacher, who makes an affidavit, July 30, 1869, in regard to a Ku-Klux outrage near New Market, in Madison County, July 26.

By Mr. BLAIR :

Question. Did you make any examination of that case ?

Answer. I saw the man ; he came to see me, and reiterated the statement contained in this affidavit.

Question. Did you make any further examination than that ?

Answer. No, sir ; I do not know what was the reason. I do not know whether it was in that case or a similar one, just about that time that I called the attention of the civil officers to it. I sent for Doyle, and told him of this thing, and I think the civil officers did make an examination. I would not have, under the circumstances, any information. I did not feel that it was right in me to have anything to do with it, unless I was called upon by the civil officers. I sent this paper to department headquarters. This man left that part of the country at once and came down to Huntsville. I saw him two or three times about this thing.

The document No. 9, of class second, [see Appendix,] is the affidavit of Mary Campbell, in regard to the murder of her husband, Wm. Campbell, by the Ku-Klux, of which I spoke before in connection with No. 6.

No. 10, class second, 1870, [see Appendix,] is a letter from Captain G. H. McLaughlin, August 4, 1869, inclosing a statement of Isham Henry, in regard to an outrage upon his person by the Ku-Klux, in March, and a second visit in August, 1869.

No. 11, class second, 1869, [see Appendix,] is an affidavit of Samuel Mastin, August

7, 1869, in regard to his being robbed by the Ku-Klux of his gun, watch, and other property.

No. 12, class second, 1869, [see Appendix,] is an affidavit of Moses B. Sullivan, a minister, concerning warnings and ill-treatment received by him from the Ku-Klux on the 11th of May, 1869, in Marshall County, Alabama.

By Mr. BUCKLEY. I think that affidavit has already been filed, and is attached to the testimony of Mr. Lakin, which was taken at Washington.

The CHAIRMAN. Then it may be omitted here.

By Mr. BLAIR :

Question. Did you have anything done in reference to that affidavit of Sullivan ?

Answer. No, sir.

Question. Was no examination made into the facts stated by him ?

Answer. No, sir ; I think not.

By the CHAIRMAN :

Question. Proceed with your statement of cases.

Answer. The next case, No. 13, class second, 1869, [see Appendix,] is the affidavit of Henry Rivers, August 25, 1869, in regard to his being shot by Benjamin Evans, on the 23d of August, 1869.

Question. Did you ever cause that case to be investigated ?

Answer. Yes, sir ; I directed it to be investigated, but there was some difficulty about it ; the man ran away. It was in a part of the country which is very sparsely settled, up in Marshall County. That place got so bad that I subsequently stationed troops up there, and everything has since become quiet.

The next case, No. 14, class second, 1869, [see Appendix,] is the affidavit of W. C. Stephens, August 26, 1869, in regard to an attempt to arrest W. M. Evans, John Evans, Robert Ice, Burgers Finell, and Green Horton, on the 21st of August, 1869, for disguising themselves and going to a house and forcibly taking a shot-gun.

The next case, No. 15, class second, 1869, [see Appendix,] is the affidavit of Nathan Meeks, September 1, 1869, in regard to disguised men or Ku-Klux entering a house forcibly, on the night of August 31, 1869. I immediately sent this to the civil officers, and informed them about it, and turned the case over to them for examination ; it was in the town of Huntsville. I inquired of other citizens if they knew anything about these men, but I could learn nothing.

Question. Was any action ever taken in the case by the civil authorities ?

Answer. That I do not know.

By Mr. BLAIR :

Question. There would have been no difficulty in that last case in Huntsville, in arresting the parties ?

Answer. No, sir ; not a bit.

Question. Do you know whether they were or were not arrested ?

Answer. They were not.

Question. Was no action taken by the judicial authorities at all ?

Answer. No, sir.

By the CHAIRMAN :

Question. Had you any reason to doubt the truth of Nathan Meeks's statement ?

Answer. No, sir.

By Mr. BLAIR :

Question. Are the authorities at Huntsville all republicans ? Is the judge of probate ?

Answer. The judge of probate is a republican.

Question. The sheriff ?

Answer. He is not now ; he was at that time.

Question. At that time they were all republicans. Could there have been the slightest difficulty in arresting these men ?

Answer. No, sir.

Question. You were ready to give them any force necessary ?

Answer. Yes, sir.

Question. They made no application ?

Answer. No, sir. I may say that on occasions of that sort, a great many people are apt to look upon it as of not much importance ; I asked in regard to these disguised men, if it was possible that men would put on disguises there, right in town. A great many men rejected the idea at once, and gave some explanation of it, I do not know what ; and they told me young Scruggs was a wild young fellow, and so on ; and that probably, if it was done, it was merely to frighten some man, and not with the intention of doing anything wrong. I may say this, that generally throughout that whole

district, I do not mean the congressional district, but that district of country they were taking arms from the negroes. That was the general information that I got at that time.

By the CHAIRMAN :

Question. Did you understand that there was a systematic effort to disarm the negroes previous to the election ?

Answer. I could scarcely say it was systematic, but it was done ; I heard of it at so many different points. They were going to negroes' houses, and, without injuring them, would take away their guns.

By Mr. BLAIR :

Question. That grew out of an apprehension of trouble from that source ?

Answer. Yes, sir ; that they would make a misuse of them—a wrong use of these arms.

By the CHAIRMAN :

Question. Do you mean by wrongful use, defending themselves in their cabins ?

Answer. I do not know about defending themselves in their cabins, but if they got together they would be formidable with arms, they not being able to use the arms with judgment as an armed body. This was the alleged reason.

Question. Was there, in your opinion, any well-founded ground of apprehension that the negroes would use their arms except in self-defense ?

Answer. No, sir.

By Mr. BLAIR :

Question. Did they not use them on a very noted occasion in 1868, in the city of Huntsville, during the riot there ?

Answer. That was before I came, sir, and I know nothing about it. You mean when the Ku-Klux came in there ?

Question. Yes, sir ; when they rode around the square.

Answer. I know nothing of it except as I have heard ; I was not there.

Question. I understand that you know nothing of any of these matters to which you are testifying, except from information ?

Answer. From information.

Question. You must have had information in regard to that ?

Answer. But my information has been more carefully acquired since I have been in the State and had responsibility. I have heard them say that these negroes were armed, and at this riot were shooting.

Question. And that they commenced firing on that occasion ?

Answer. So I have heard it stated.

Question. Hence there was an apprehension that they would use these arms wrongfully, growing out of that instance of recent origin in that part of the State and others. It is not to be supposed that they took these arms merely for the value of them ?

Answer. No ; I think not.

By the CHAIRMAN :

Question. Is it your opinion that these arms were taken from the negroes in view of the election that was to come off in the fall of 1869 ; that is, that the disarming of the negroes had any reference whatever to that election ?

Answer. No, sir ; I do not know that it had.

By Mr. BUCKLEY :

Question. How were these guns obtained by the negroes generally ; were they arms they had brought from the war with them ?

Answer. Yes, sir ; some of them were.

By the CHAIRMAN :

Question. Others they procured to shoot game—birds, squirrels, and the like ?

Answer. Yes, sir ; they had bought a great many.

Question. The white people of Madison County generally have arms in their houses, have they not ?

Answer. Yes, sir.

Question. Do they generally carry arms upon their persons so far as your knowledge extends ?

Answer. Yes, sir ; there is a certain class of them do ; I think the young men do.

Question. Do they generally go armed ?

Answer. Yes, sir ; they generally go armed.

Question. You may proceed with the next case.

Answer. No. 16, class second, 1869, [see Appendix,] is the case of Jack White, who makes affidavit September 20, 1869, in regard to disguised men entering his house

forcibly on the night of August 31, 1869, taking his pistol, maltreating Tom Hawkins, &c.

Question. In this connection, I would like to inquire of you, general, whether, so far as your information extends, these negroes who were thus deprived of their arms ever obtained any legal redress in the courts, or recovered their arms or compensation for their value?

Answer. No, sir; I do not know of an instance in which they did.

By Mr. BLAIR:

Question. As these parties were identified by the negroes in some of the instances in the affidavits which you have submitted, was there any cause why they did not obtain a remuneration for them except the inefficiency of the officers?

Answer. That I do not know. I simply turned over these statements when they were made to me to the sheriff, and directed the people when they applied to me to go to the State officers, saying that the State officers were the proper ones from whom to seek redress. I did that in every instance. Frequently I saw the sheriffs and other officers, and asked them if they would look into these things.

By the CHAIRMAN:

Question. Does your information enable you to state to the committee what was done by these bands of disguised men with these arms; whether they appropriated them to their personal use or destroyed them, or stored them away?

Answer. No, sir; I do not know. Reliable information of that character is very difficult to obtain.

By Mr. BUCKLEY:

Question. Is it your information that in most instances these arms were taken by disguised men?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What was the pretext generally assigned for taking them from the negroes?

Answer. I do not know that I ever heard any reasons given. They just possessed themselves of them. They did not want the negroes to have them.

Question. Proceed with your statement of cases.

Answer. The next case is No. 17, class second, 1869, [see Appendix,] and is an application for troops from thirty-three citizens of Vienna, who desire military protection for themselves and their property. Nearly all of them are members of the democratic party.

Question. Did I understand you to say that the subscribers to that paper were white men and democrats?

Answer. Yes, sir; a great majority of them were democrats; that I took occasion to find out; indeed, they informed me so.

Question. What action was taken by you on that application?

Answer. I sent troops to them, and they remained there and produced a good effect in that county. We have had no trouble there since.

Question. Does Marshall County adjoin Madison?

Answer. Yes, sir.

Question. Go on with your statement.

Answer. The next case, No. 18, class second, 1869, [see Appendix,] is an application, September 20, 1869, from several gentlemen at Terrapin Creek, Cleburne County, including W. R. Hunnicutt, judge of probate, asking a change of troops, and that they be brought from Edwardsville to Cross Plains, in Calhoun County, in that neighborhood. Cross Plains is only a mile and a half from Patona. The troops were withdrawn and sent to that place.

Question. Do you know the character of the signers of that application?

Answer. No, sir.

Question. It was indorsed by Judge Hunnicutt?

Answer. It was indorsed by the civil officers, and that induced me to act.

The next case, No. 19, class second, 1869, [see Appendix,] is a letter of Robert Fearn, a gentleman well known in Huntsville, he is a planter, requesting military protection for the Vienna district. This refers to the former application. That was followed by a person who came in and confirmed the whole thing; though Mr. Fearn's statement would have been sufficient for me. He is a gentleman of high social prominence and an old resident of Madison County. He has a large place which he plants, nearly opposite to Guntersville, on the Tennessee River.

Question. What was his political status?

Answer. He is a democrat, and always has been. I sent the troops, and went up there to look into the condition of things. It was very bad, indeed. There had been

a round-robin signed by a great many white men in the county, and among them some prominent ones, directing every negro to leave that section. The crops were in such condition that if protection had not been given they would not have gathered a particle. I sent the troops up, and located them on Mr. Fearn's plantation. It has been entirely peaceable from that day to this.

Question. Was that in Madison County?

Answer. No, sir; in Marshall. Mr. Fearn adds (as he says) his own request to that of the gentlemen from Vienna.

By Mr. BLAIR:

Question. Did you ever hear who were the signers of this round-robin?

Answer. Yes, sir; the men were well known. Some were prominent men in their locality. They had just got tired of the negroes, and wanted them all to leave.

Question. Was it a strong organization there?

Answer. No, sir; I don't think so. They had a very erroneous idea and view of the military power, perhaps, and that, of course, produced a great effect. They did not know how far the military could go. An officer could have done almost anything, and a great majority of them there would have thought he was doing nothing but what he had a right to do; but the mere presence of the troops and the knowledge of what they might accomplish was the cause of inestimable good. It was cheerfully testified to by everybody up there.

The next case, No. 20, class second, 1869, [see Appendix,] is that of John Leslie, who makes affidavit September 23, 1869, in regard to preaching being broken up by disguised men on the 4th of September, and his being shot at on the 13th, his house being forcibly entered, his wife struck, his son whipped, &c.

The next case, No. 21, class second, 1869, [see Appendix,] is the affidavit of William Blair in regard to violence, whipping, cutting, &c., committed upon him by disguised men in Limestone County, Alabama, in December, 1868.

Mr. BUCKLEY. There is, attached to the testimony of Mr. Lakin, the affidavit of Eliza Jane Blair, a sister of William Blair, and this sub-committee have taken the testimony of Augusta Blair, his father, at Huntsville.

Answer. That case, No. 21, includes all that came to my knowledge in 1869, and I know nothing of what became of the majority of them. I turned them over to the civil authorities.

By the CHAIRMAN:

Question. You may now take up your list for 1870.

Answer. The cases for 1870, like those for 1869, comprise two classes, the first of which includes reports by officers under my command, with various documents appended; and the second class is composed of applications for military aid, affidavits, statements, &c., from civilians.

No. 1, of class first, 1870, [see Appendix,] is a letter from myself to the assistant adjutant general of the Department of the South, January 12, 1870, forwarding documents A, B, C, and D, regarding disturbances in Blount County, consisting of letters to me from Rev. A. S. Lakin, and letters to Mr. Lakin by Rev. A. B. Watson and Rev. T. W. White; also, a letter to me from William Shapard, of Blount County. This gentleman, Lakin, wrote also to General Sherman at the same time. I sent these papers on to General Terry. There were no troops sent there. I examined into the matter as far as I could. I got some testimony in regard to Mr. Shapard, and I found that his statements were questionable; but I thought, on the whole, as it came from so many sources, the troops had better go over there, but General Terry did not decide to send them.

By Mr. BLAIR:

Question. What do you know about Lakin?

Answer. Very little. I have seen him several times. At first he came to see me, and I listened to his statement, as he was a clergyman. I began to inquire, and found the very moment I commenced to inquire that certain persons were violently opposed to him, and would listen to no good about him. People of his denomination spoke well of him, and I believe he maintained a fair standing, but I think there are people in Huntsville who detest him, and would not listen to anything good about him. I would credit his statements. I think he has had a great deal of trouble. I think, to come down to the absolute facts, that he has had a very hard, rough time of it. He has been out preaching; what he preaches or says I do not know, but he has many and violent enemies. I have heard nothing against his standing as a minister, though I tried to find out whether he was a reliable and truthful man. Though his statement may be decidedly colored, yet I believe him. I have not seen anything of him for a long while. He came last to tell me the story of the Ku-Klux baby; he was just going on to appear before your committee in Washington at that time.

By the CHAIRMAN:

Question. As to his enemies in Huntsville, are they not political enemies?

Answer. Yes, sir; they are. Whether they would be enemies to him alone on that account I do not know, but they are on the other side in politics.

By Mr. BLAIR:

Question. Is it not a conflict between the North and South churches?

Answer. Yes, sir; unquestionably, the church difference has a great deal to do with it; and I think much of the trouble in the country is owing to the division of the churches. I think these church people have a more intense hatred to each other than any other classes.

Question. I see an allusion in there to the Church South by one of the parties who writes, and he attributes to the Church South a desire to take possession of their church?

Answer. Yes, sir.

Question. I do not see any allusion to politics in the letter; state whether all this business is not more a quarrel between the North and South Church than anything else?

Answer. No, sir; it never came to me in that shape; but my convictions are that that has a great deal to do with it. But I never had any occasion to call in question any statement Mr. Lakin made. At first, I was disposed to listen to him, because the man had had, or professed to have had, so much actual experience, in consequence of his office; he knows so much from what he has seen himself. He states that he has been driven away, his churches burned, and his school-houses burned, and he has been up among the people all the time; but he is so distasteful to the people at Huntsville, that I would hesitate long before I would believe everything that is said against him, because I know that they are violently prejudiced against him, and it has been all stirred up lately. They saw in the papers a statement of his testimony given at Washington, and it set everybody alive against him.

By the CHAIRMAN:

Question. Has not this prejudice principally arisen since he gave his testimony at Washington?

Answer. Lately? Yes, sir; it has all revived. It did exist, but it had got quiet. It was known that he was going to leave and go North.

Question. Was it known that he was a very earnest republican?

Answer. Decidedly so; everybody knows it; he has no hesitancy about it. He is said to be an effective man before a negro audience.

By Mr. BLAIR:

Question. In his testimony he declared under oath that he took no part in politics whatever.

Answer. What did he consider taking part?

Mr. BLAIR. That is more than I can say.

By the CHAIRMAN:

Question. You do not know of his making political speeches?

Answer. No, sir; but he is recognized by everybody as a very earnest republican. As these letters show, he was riding all through that country. I took care to inform myself about that. I asked unprejudiced men if what he said was not correct; if he was not to be relied upon.

The next case, No. 2, of class first, 1870, [see Appendix,] is a letter from myself to the assistant adjutant general, Department of the South, January 20, 1870, inclosing a letter from Circuit Judge Haralson, in which the judge requests the assistance of United States troops for the civil officers in Blount County, Alabama, and states various facts in regard to the condition of affairs there.

By Mr. BUCKLEY:

Question. Huntsville is in his circuit, I believe?

Answer. Yes, sir; Huntsville is in Judge Haralson's judicial circuit.

The next case, No. 3, class first, 1870, is a report, March 3, 1870, from Lieutenant P. I. Flood, in reference to disturbances in the neighborhood of Stevenson, Alabama, that upon investigation he finds the chief cause to be a negro living with a white woman, but thinks it only a pretext for the disturbance. He gives a full report in reference to it.

The next, No. 4, class first, 1870, is a report, March 5, 1870, from Lieutenant Charles Iarkins, Second Infantry, on the state of affairs at Somerville, Morgan County, Alabama.

By Mr. BLAIR :

Question. Did you make any further efforts to ascertain the true state of affairs in that county ?

Answer. I did. I informed Governor Smith, who seemed to be ignorant of what was going on, that law was set at defiance. People came in with most exaggerated reports to Huntsville. There was nothing authorizing these people to call directly on the military. I sought the sheriff. The sheriff came up to me secretly and at night, and made the most extraordinary statement to me; he said he was going to suspend the functions of his office.

Question. Had you reason to believe, from your subsequent investigation, that the cause of the disorders in that county arose from personal and family feuds ?

Answer. Yes, sir; I came to that conclusion, and that politics had little to do with it, though, strangely enough, certain people on one side were of one political complexion, and certain others on the other, but it was so mixed up that it was hard to tell. I thought no political cause appeared in it, but it was all personal; it had been going on for years. One man had been shot a long, long time ago by one side, and these parties were watching each other all the time.

By the CHAIRMAN :

Question. Was not Judge Charlton a very active republican ?

Answer. Yes, sir.

Question. Had he not been foreman of a Federal grand jury and taken a very active part in bringing these lawless men to justice ?

Answer. Yes, sir; he had.

Question. Had he not also been very earnest in putting down these disguised bands known as Ku-Klux ?

Answer. Yes, sir.

Question. Had he not even assisted in forming an anti-Ku-Klux party ?

Answer. Yes, sir; it was called the anti-Ku-Klux party.

Question. Had not these things made him very obnoxious to the democrats or conservatives up in that part of the country ?

Answer. Yes, sir; they had; but he was generally regarded as a good man by everybody.

Question. He had been probate judge ?

Answer. He had been a probate judge. He came to see me himself while he was foreman of the grand jury, and asked for my papers in connection with the Ford case and Dean Reynolds case.

Question. Was it not supposed, at the time of his assassination, that that was due, in a great measure, to his active efforts as foreman of the grand jury to bring the members of these disguised bands to justice ?

Answer. Yes, sir; I heard that stated several times.

Question. If none of the committee have further questions to ask in relation to that report you may proceed to the next case.

Answer. The next, No. 5, class first, 1870, is my own report, March 30, 1870, to the headquarters of the department, in regard to affairs at Jacksonville, Alabama.

No. 6, class first, 1870, is a report, April 13, 1870, of First Lieutenant Charles Harkins, Second Infantry, in regard to the murder of Mr. Samuel Boyd, solicitor of Greene County, Alabama, to which are appended statements of the sheriff, tax assessor, and others.

No. 7, class first, 1870, is a report, April 21, 1870, of Mr. Harkins, on the causes of the disturbances at Eutaw and the vicinity.

Question. Does that relate to the riot of 1870 ?

Answer. No, sir; that was at Eutaw, in Greene County; it was after that.

Question. Does it relate to Boyd's murder ?

Answer. No, sir; it was about some rumor that they were going to have the town burned, and various other matters.

The next, No. 8, class first, 1870, is a report, June 29, 1870, of Captain George H. McLoughlin, Second Infantry, in regard to disturbances at Stevenson, &c., stating that he had notified the sheriff of the county and the mayor of his arrival and his readiness to proceed to Bridgeport. Stevenson was, for a long time, a troublesome and disorderly place, but it has been quiet now for a good while.

The next, No. 9, class first, 1870, is a report from Lieutenant M. Frank Gallagher, July 12, 1870, concerning disturbances at Ashville, Saint Clair County, Alabama, and to it is attached an affidavit of Charles A. Ritchey. This is an official report, and a matter that caused a great deal of trouble one way and another. I found that there were parties there armed against each other. The people there had attacked a man named Springfield, who, with his friends, were in a house, and there was a regular siege. The report explains it very fully. I sent troops down there. But it is proper to state, in this connection, that an examination was made by the civil authorities

there; and a very different statement of affairs was made and published in the paper by some man—I forget his name—that gave the other side of this story.

By Mr. BUCKLEY:

Question. Did you hear that Mr. Springfield was afterwards wounded in the arm?

Answer. I did.

Question. And that he was obliged to leave the county?

Answer. I did. I saw him.

Question. Did you hear that he was shot in a buggy, his wife by his side?

Answer. Yes, sir; I heard that.

Question. Did you understand that he was the deputy marshal taking the census of Saint Clair County?

Answer. No, sir; he says, "The United States assistant marshal told me it was unsafe for me to take the census."

Question. Did you hear that Mr. Springfield was the man appointed United States marshal for the northern district?

Answer. Yes, sir; I know that fact.

By the CHAIRMAN:

Question. Was Mr. Springfield a native of the South?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. He had been a republican member of the Alabama legislature, had he not?

Answer. Yes, sir.

By the CHAIRMAN:

Question. And had been in the Union Army?

Answer. Yes, sir.

Question. Was the statement that you refer to, giving the other view of the case, published in a democratic paper?

Answer. Yes, sir; it was published in all the papers. It was certainly published in the democratic papers everywhere through the State; and I think it was published in the Advocate, of Huntsville, though I am not certain.

Question. Have you any other information in regard to the facts reported by Lieutenant Gallagher tending to show whether his conclusions were correct?

Answer. Yes, sir; I have the report of the officer whom I sent there in charge of the troops, Lieutenant McLoughlin, which I will submit to you presently, on the state of affairs in Saint Clair County; it is No. 12; he made several reports.

The next case, No. 10, July 20, 1870, is a report of Captain McLoughlin in regard to affairs in Stevenson. It ought to be considered with the others from Stevenson. In it he states concerning outrages on John McManman. I turned that over to the civil authorities there; I do not know what was done with it.

No. 11 is also a report from Captain McLoughlin, July 31, 1870, in which he states that his camp at Ashville was fired on, and an attempt made to capture his guard; that there is only mob law in the county, and he appends the affidavit of a Union soldier, Colomay Smith, who has taken refuge in his camp for protection, having been hunted out because he was a Union soldier.

No. 12 is another report from Captain McLoughlin, of which I spoke a few moments since, regarding the state of affairs at Ashville, Alabama. To it are appended a letter from Judge De Berry, requesting that the town of Ashville be placed under martial law, and an affidavit of Wm. Starkey, detailing a Ku-Klux outrage upon himself. There is an instance of a civil officer making such an application as I have mentioned. He was a judge of the probate court. I wrote to Captain McLoughlin immediately, forbidding him to take action on the communication, and informed him that he had no right to consider such a request. I was at Patona at that time in compliance with the request of the governor, while the investigation of the murder there was going on. I replied to Captain McLoughlin when he forwarded to me this request of Judge De Berry, as stated. I directed this officer to confine himself to the orders he well understood, and if he found that the civil officer could not keep order, to assist him as a posse in making arrests, but no more. Quiet was restored.

No. 13 is Captain McLoughlin's report relative to the state of affairs in Saint Clair County, Alabama.

No. 14 is his report of August 15, 1870, from Ashville, Saint Clair County, that Captain Springfield was wounded while coming to town, by a party in ambush; requesting a doctor to be sent to him immediately, in case of accident, as his men were scouring the woods. I believe these papers are all I have in regard to that affair.

The next, No. 15, class first, 1870, is rather a lengthy report, August 20, 1870, of another officer, Lieutenant John C. Bateman, who was sent to Courtland, where there were disturbances.

By Mr. BUCKLEY:

Question. Courtland, in Lawrence County?

Answer. Yes, sir; it is in Lawrence County. He gives an account of a fight between negroes and disguised men at Courtland, and appends a statement of W. W. Baker, notary public and justice of the peace, and a statement of C. H. Foster, of J. C. Baker, of John Phelan, and of C. J. Simmons, with a diagram of the scene of action. That really was one of the most complete instances where the people took up the case and assisted the officers of the law. It was not necessary for me to send soldiers. The fact that these negroes succeeded in killing one of the disguised men elated them, and they have had no trouble since, I think.

No. 16 is a report of Captain McLoughlin, August 28, 1870, in regard to the murder of Mr. Frank Harrison, a citizen of Ferryville, Saint Clair County, and the supposed reason for his assassination. I was at Patona at the time, and sent word to headquarters that additional troops were needed there, and asked that a company be sent. This was done at once.

No. 17 is a report from Lieutenant Bateman, at Fayetteville, October 24, 1870, in regard to Ku-Klux depredations in Fayette County, and the organization of a counter party styling themselves "Mossbacks," and their encounters.

I have one paper here, No. 18, which is another report from Lieutenant Bateman, dated October 30, 1870, of his operations in capturing Ku-Klux, while aiding the sheriff. An affidavit by the sheriff is attached. He details the arrest and confessions of six of the Ku-Klux Klan and their captain, and sends two of the uniforms, and states that process could not be issued there.

No. 19 is another report from Captain McLoughlin, Ashville, Saint Clair County, November 20, 1870, in which he states that Jesse Ingram was driven from his house on the 14th, went to Springville, and swore warrants out against some of the parties; some lived in Springville. Upon seeing Ingram, fired at him, shooting him pretty effectually. They were turned loose, as there were no witnesses against them. That concludes the first series of the documents of 1870, consisting of reports by officers in the military service, with documents appended to those reports.

[The committee having taken a recess of one hour for dinner, the examination of General Crawford was resumed.]

By the CHAIRMAN:

Question. You may proceed, general, with the statement of cases upon which you were engaged before the recess.

Answer. I now come to class second, of 1870, of documents which consist of applications from civilians for military aid, affidavits, statements, &c.

No. 1 is a letter from Judge Haralson, January 8, 1870, applying for troops to be sent to De Kalb County to report to the sheriff, and assist him in enforcing the laws. I sent them, but I do not know what they did. I have previously submitted, in connection with document No. 2, of class first, 1870, a communication from Judge Haralson in regard to affairs in Blount County, in which he requests troops.

No. 2, class second, 1870, is an anonymous letter, referred to me by Governor Smith, and to which I did not pay any attention. It is signed "Many Citizens," and though it has some strange statements, and contained many curious things, using the names of a great many people, there was no respectable name attached to it, and I never took any notice of it.

The CHAIRMAN. I do not think that ought to be received as evidence, and you need not submit it.

The WITNESS. No. 3 is an affidavit of Samuel Lawlor, also of Robert Barbee, February 26, 1870, concerning Ku-Klux outrages in Averyville near Stevenson, Jackson County. Troops were sent there and staid till things became quiet; after that they were then withdrawn.

No. 4 is another anonymous communication, February 26, 1870, in regard to Ku-Klux outrages, and asking for guard or arms and ammunition. I did not pay much attention to that, for I had already ordered troops there. The paper is not signed by any name; it is merely "Citizen." He says his son-in-law is a wounded man.

The CHAIRMAN. You may omit that.

The WITNESS. No. 5 is an affidavit of Frank Bell, February 28, 1870, in regard to Ku-Klux violence at his house on the plantation of Mr. Frank Bell, Madison County.

No. 6 is an affidavit of James Bell and Joshua Harris, February 28, 1870, detailing outrages on the plantation of Houston Bell, on the Whitesburgh pike, Madison County, Alabama.

No. 7 is a report by H. G. Thomas, sheriff of Morgan County, March 31, 1870, that the disturbance in that county is unsettled; that he is unable to preserve order; and that he is obliged to resign, or at least suspend business for the present. This paper is one to which I desire to draw the attention of the committee. I think that application a very remarkable paper. At that time these people were out and regularly armed against each other in two parties. The sheriff could not and did not do anything.

No. 8 is a letter from the Hon. Charles Hays, June 24, 1870, concerning outrages in Sumter, Greene, and the adjoining counties, and urging me to keep troops in Eutaw after the election, to send a company to Livingston, Sumter County. I endeavored to keep troops there, because I have thought ever since I have been in the State that that was where they ought to be; that they ought to be in Greene and those border counties. I referred this letter to the commanding general of the department for his action, and troops were kept there until after the election of 1870, I think.

No. 9 is a letter of Judge De Berry, the probate judge of Saint Clair County, from Ashville, July 10, 1870, requesting that troops be sent to that county at once for their protection. That was on account of the general troubles and difficulties there. I sent the troops there and things quieted down.

No. 10 is a letter from Mr. E. G. Barney, general superintendent of the Selma, Rome and Dalton Railroad, dated Patona, Alabama, July 12, 1870, asking for a force of at least one hundred men, to be sent there at once, in consequence of the disorders, stating the hanging of a Mr. Luke, teaching a negro school; also of two negro men, at same time and place, two others being shot dead. He says that the State officers are powerless. I sent troops immediately.

No. 11 is an application, of the same date, from W. S. McElwain, general freight agent, at the same place, on the same subject.

No. 12 is an affidavit of John McManman, taken by Judge Lewis M. Douglass, probate judge of Madison County, concerning the outrage on McManman, on the night of the 12th of July, near Scottsborough, Jackson County, Alabama.

No. 13 is a statement of A. D. Bailey, July 19, 1870, with accompanying statements of C. I. Sharpe and E. L. Hesterby, concerning a massacre at Cross Plains, Alabama, on the night of Sunday, July 10. Mr. Bailey is a school-teacher there, a man of some local importance, I believe.

By Mr. BUCKLEY :

Question. Were you present at the investigation of that case?

Answer. Yes, sir; I was. I did not enter the court-room at any time, but I was at Patona.

No. 14 is a communication of S. Crawford, the mayor of Stevenson, Alabama, to me, December 2, 1870, referring to the disturbances there. This was sent when I was not at my headquarters, and it was forwarded to the headquarters of the Department of the South. Upon it J. H. Taylor, assistant adjutant general, puts the following indorsement: "The time has arrived when Alabama should be able to enforce her own laws, and protect her citizens without reference to the military force of the United States. The troops applied for will not be furnished. By order of Brigadier General Terry."

Question. How did he know the time had arrived, and what became of that paper?

Answer. I understood that Governor Smith forwarded that paper with that indorsement to the War Department.

Here is No. 15, class second, an affidavit, October 15, 1870, of Lucinda Ford, concerning a Ku-Klux outrage upon herself and family, on the plantation of William Saunders, in Madison County, Alabama. It was taken before James H. Bone, clerk of the circuit court.

No. 16 is a letter to me from D. L. Dalton, the governor's secretary, October 15, 1870, forwarding a letter from W. B. Bowen, dated Tuskegee, Alabama, October 13.

By the CHAIRMAN :

Question. Is Mr. Bowen the postmaster at Tuskegee?

Answer. Yes, sir. It is in relation to some firing upon a colored congregation. That completes the series of class second, 1870. Here are some of the telegrams which I have received, and which I will submit. I do not think the set is entirely complete. I submit them in connection with the documents which I have already laid before the committee. [Telegrams, eleven in number, submitted by the witness, will be found printed in the Appendix to his testimony at the end of the documents previously referred to, class second, of 1870.] The last telegram, you will observe, is from Governor Lindsay; it was sent on to General Terry and complied with. I have here an affidavit by Willie McGregor, dated the 18th of May, 1871, which I received, and which I also submit. [Said affidavit will be found in the Appendix to the testimony of this witness, printed after the telegrams aforementioned.]

Question. Did I understand you to say that some time ago, or after it became generally known that you would not comply with any applications for troops unless the application was made by the civil officers, people ceased to make reports to you of outrages?

Answer. Yes, sir; they have generally ceased to report them to me.

Question. The list you have furnished the committee to-day embraces, then, only such cases as have been reported to you by your subordinates, and by civil officers, and from civilians?

Answer. Yes, sir.

Question. Is it within your knowledge that a great many cases of lawlessness and outrage have occurred in Alabama which are not embraced in the lists you have furnished?

Answer. It has been so stated to me. I have heard it so stated.

Question. From your information, in what parts of the State do disturbances principally exist now, and what seem to be their character?

Answer. I think there has been a very great improvement in things in Alabama—a very perceptible improvement, during the period of time that I have been in this State. I mean to say that the passage of time has improved the condition of things very perceptibly. I think it has been going on for a long time. The fact is that there are certain portions of the State, certain counties, where these disturbances take place more frequently than in others, (and it is these disturbances, in these counties, that give an idea of a disordered condition of affairs in the State;) but I think that the State of Alabama is one of the very best of the reconstructed States, as far as I know. I think there has been a very great and material improvement. Matters in North Alabama are quiet, and have been so for many months, as far as I know.

Question. My question was, in what parts of the State do disturbances principally exist now?

Answer. I was about to answer. I think the counties of Fayette, of Pickens, of Sumter, of Greene, and of Choctaw are the most troublesome. The western counties of Alabama are the most disturbed of all. We have but little disturbance now in North Alabama, and none that I hear of in the South at all.

Question. Do you hear of any in Coosa and Tallapoosa Counties?

Answer. No, sir; I never hear of any there at all. Of course I heard of the disturbances that were there not very long ago, when they took place, but they were never brought directly to me.

Question. What is the character of the disturbances that are said to prevail in the western counties which you have named?

Answer. Well, the troubles with the negroes principally, interference with them.

Question. Committed by bands of disguised men?

Answer. By disguised men sometimes, and by others, too, who were not disguised.

Question. As a general rule, what has been the disposition of the communities in which the outrages you have detailed have been committed, to bring their authors to justice, and to prevent their recurrence?

Answer. I think, as a general rule, the sentiment of the best men in the different counties has been to bring these men to justice. I think that all prefer that; they all say so; all that I have talked to do, and I have talked with the prominent men of both political sentiments. I think that is the desire. They all say so, at least; but I know that crimes have been committed in which there has been no effort to bring men to justice at all.

Question. I desire to have your opinion on this question. If the good men of the community in which these disturbances exist were to combine earnestly together to prevent them, to put a stop to them, is it your opinion that they could accomplish it?

Answer. I think so decidedly now, and have always thought so.

Question. So far as your information goes, have respectable men, men of property in the community, been engaged in these disturbances?

Answer. Not at all. I had heard that they had been, and I took every occasion I could to find out, if possible, but I have never been able to find it out. I mean landholders, the men who give tone to society, considered as a class. They would say that this was all wrong, and in a mild way deprecate it, yet they would not take any trouble to give help in finding out these men. They did not think it was their affair. They have often said to me that all the offices were in the hands of the republicans; let them preserve the peace; it was their business.

Question. They did not seem to think it was any concern of their own?

Answer. No, sir.

By Mr. BLAIR:

Question. Did they not say that they were themselves under disabilities?

Answer. They so said; many of them.

Question. And as banned by the Government itself, of course were not called upon to help it?

Answer. Yes, sir; I have heard that a great many times at a great many places.

By the CHAIRMAN:

Question. Did they make their disabilities a plea why they should not assist in preserving the peace?

Answer. Often; but they would not state it as a reason. I would talk to them and say, "You could put this down if you chose to." I invariably tried to argue with these gentlemen that this thing was a machinery that would work back upon them.

selves if they did not stop it. I believe they are to-day more inclined to take that view of it, and to put it down, than ever before. I have heard gentlemen in the streets of Huntsville, young gentlemen whom I did not think, two years ago, would have expressed any dislike to this thing, or reprobation of it, say they would be willing to shoot upon disguised men that came into the streets. I heard a young gentleman say that, a son of one of the first people.

Question. Has not this reaction of public sentiment proceeded in a great measure from the loss of labor they are sensible they are sustaining in consequence of the intimidation of the negroes, and is it not a fact that the negroes have left these disturbed localities in considerable numbers, so much so that the planters are becoming alarmed lest there will be a scarcity of labor?

Answer. Yes, sir; I think so. In some localities that has been the case. I do not think that the planter has any antagonism to the negro at all; I think he wants his labor. I think it is a class of white men, not possessed of wealth or real estate, that exists in Alabama, many of them in the mountains, that is hostile to the negro. Those people see him on the rich lands and possessed of political privileges, which increases the old jealousy, and they know that if they can get rid of the negro, have him colonized for instance, it will be better for them both on the point of association and the division of political rights. I believe that the planter has no antagonism whatever to the negro; he wants his labor.

Question. Do you not think that the planters have consented thus far that this state of things should be allowed to succeed, for the purpose of deterring the negro from exercising his privilege of voting; do you not think that they were willing that the negroes should be Ku-Kluxed far enough to make them democrats.

Answer. That would be merely a matter of speculation. I have no evidence upon which to say that; on the contrary, in talking to them about that, I never heard one of them say that he objected to the voting of the negroes. Many believe that if the question was put to the people of Alabama to-day, they would not deprive the negro of the right of voting. I think they would like to control him, and I think they look forward to the time when he will vote in their interest, but I do not think that they now want to take the vote away from him by violence.

Question. Do you not think that many outrages have been committed in order to prevent the negroes from voting the republican ticket?

Answer. Yes, sir; I think so, in many cases. That is my conviction. I think that in those counties I have mentioned that is so, though I could not prove it. I have known instances—instances have been related to me—where colored men have been kept away from the polls. There is no question about that.

Question. Do you not think that a duress has been exercised over the negro by the planter by threats of turning him off from the plantation unless he voted in accordance with the land-owner?

Answer. I did think so, but, on inquiring into that matter, especially of these men at Huntsville, with whom I have associated more than any others in that respect, they told me, no. I think the planters generally decline to give the negro any advice; the negroes have told me so. I think in certain places in the State this low class of white men, and sometimes these young, wild fellows, of good connection, have kept the negro from voting; I do not think the land-owner, the general planter, cares much whether the negro votes or not. The planters look forward, and hope to get him to vote on their side and in their interest.

Question. So far as your observation has extended, is there any discrimination made on account of color or political opinion in the administration of justice?

Answer. In reference to that I have but little information. I know nothing about the operations of the State courts—I have never followed them—but of the United States courts I do; I have followed them somewhat.

Question. Let me ask this question, which will bring what I want directly to a point. What instances have occurred in which negroes or white men have been visited by the Ku-Klux, and the authors of the outrage have been brought to conviction and punishment? Do you know of any such cases?

Answer. No, sir; I do not.

Question. Do you think that it is possible that such a state of things could exist in any community if public sentiment was in earnest in putting down outrages of this kind?

Answer. No, sir; I think that the juries have most of them been drawn from hostile communities; I think that there is no question about the sort of men that go upon them, and it is very difficult to get a grand jury to indict these men; that has been the constant complaint, and if indictments are found, it is very difficult to get a petit jury to convict.

Question. What is your opinion as to the adequacy of the military force under your control, for properly preserving the peace of the State in these disturbed regions at this time?

Answer. Just at this present time I do not think there is necessity for a large body

of troops in Alabama. But upon the approach of the election, I do think troops are necessary in certain sections, in order to preserve the peace and to give the people, especially the colored voters, protection. There are some parts of the State where I think it is absolutely necessary, but not in all.

Question. Will you give the committee the reasons for this opinion which you now express?

Answer. In regard to the troops being necessary?

Question. Yes, sir; in view of the election next year.

Answer. I think there are certain portions of the State that have been and are now disorderly. The negroes are there in large numbers, especially in those counties that I have mentioned—Greene, Sumter, Pickens, and Choctaw; and I do not believe and never have believed that at the last election there was a fair opportunity for the negro to poll his vote in those counties. On the election day I commanded all the troops in the State, and received telegrams from every part, and though the election was remarkably quiet, yet the change of the vote in some of these counties seemed almost miraculous. Greene, which had given 3,500 for the republican candidate—was it not, Mr. Buckley?

Mr. BUCKLEY. About 2,700.

The WITNESS. About 2,700 majority for the republican candidate, to the utter astonishment of all who were awaiting election returns, gave forty-five democratic majority.

By the CHAIRMAN:

Question. Is it possible to account for that result upon any other theory than that the colored people were deterred from expressing their opinions at the polls?

Answer. That is the natural and only sensible inference, though I have never seen anything which would prove or substantiate that in a court.

Question. And you argue from your past experience that in the future it will be necessary to have troops in the State for the purpose of seeing that all men are allowed to express their opinions at the polls?

Answer. Well, I would hardly like to say that, because the great proportion of Alabama, I think, is now quiet, and I believe there would generally be a fair election; but I think at certain points—

Question. I refer to the disturbed districts.

Answer. Yes, sir; I think decidedly that troops would be needed in that district. I think it is the fourth congressional district of Alabama—Mr. Hays's district.

By Mr. BUCKLEY:

Question. What, in your opinion, general, has been the effect of the presence and action of the military in Alabama?

Answer. I think it has been tranquillizing and good. I think that in certain parts of the State the mere presence of the troops—the mere fact of their being there—has tended to repress the people inclined to lawlessness, and give encouragement to other persons there, and the negroes especially, to exercise the new rights conferred upon them.

Question. Do you have this opinion upon petitions received from citizens in different counties of the State, or from the manner in which troops are welcomed as they are sent to the different points in the State?

Answer. From both. Matters have changed very much since I came in. I find now, in sending troops, that almost everybody is glad to have the United States troops come. The men who were on the confederate side during the war are kind to our men, and officers in several parts of the State have been most kindly treated. At Tuskegee our officers were gladly welcomed. They say, of course, if they must have troops, they prefer the best they can get, the organized force.

Question. Have you ever had applications for troops from the city of Selma?

Answer. Yes, sir; last winter I had an application from some of the very best men there. I sent down a force from Patona immediately. There seemed to be a very bad state of things there. This officer told me he was received most kindly. Passing there the other day, some gentlemen referred to it, and said to me how glad they were to receive them; how important their action was.

Question. Then you think the troops have acted as conservators of the peace?

Answer. Yes, sir; as conservators of the peace alone.

Question. How much truthfulness is there in the clamor which is made throughout the press that the troops are here for the purpose of oppressing the people, and depriving them of any portion of their rights?

Answer. I have never been able to take that view of it at all; never for a moment. I do not think any action of the troops—certainly not since I have been in Alabama—will support that argument a moment.

Question. Yet you have seen the charges made in the newspapers, have you not?

Answer. O, yes, sir.

Question. Are the troops now located, and have they generally been located, in disturbed portions of the State?

Answer. No, sir; not always. In this district we have been speaking of, in replying to the question of Mr. Pratt, there are no troops; there is not a soldier in the whole district. There are some in Mississippi, at Aberdeen, and one or two other places along the line, but not in Alabama.

Question. Is it not quiet in North Alabama?

Answer. Yes, sir; so far as my knowledge goes.

Question. Is the necessity for troops there as great as in West Alabama?

Answer. I know of no necessity for troops in North Alabama at all.

Question. Do you think it would tend to peace and good order to have them transported from that place to the western portion of the State?

Answer. I think so. I would like to say there is but one company. I have but fifteen men for duty at Huntsville; but I believe, so far as I know the sentiment of that section of the State, that they are decidedly in favor of law and peace and order, and the punishment of crime by law.

Question. That sentiment is increasing and growing stronger?

Answer. Decidedly so.

Question. Have you, in the discharge of your duties, found it necessary to recommend the presence of troops in certain points in this State?

Answer. I have, sir. I made an earnest recommendation that troops should be sent to the town of Eutaw, and permanently kept there; that I thought that the completion of the Alabama and Chattanooga Railroad, and the easy communication of Tuscaloosa and Livingston, would answer all purposes.

Question. Were troops sent in accordance with your recommendation?

Answer. They have not been, yet.

Question. From your knowledge of the public sentiment in Alabama, and the feeling of the people here, do you think that a republican can advocate his principles publicly all over the State without any apprehension of personal violence or injury?

Answer. I think he can do it now a great deal better than he ever could before. I think in some parts of the State he could do it without the least hesitancy; they would all listen to him; but I think that in other portions of the State there would be a little hesitancy, if not open opposition.

Question. Did you hear the speeches at Eutaw last year?

Answer. Yes, sir; I heard them all.

Question. Did you hear anything inflammatory or exciting, disturbing the citizens?

Answer. The tone of all the speeches I heard was the reverse. I heard General Warner and Governor Parsons, and their tone was entirely to the contrary; their speeches were exceedingly conciliatory and judicious.

Question. Some witnesses have expressed the view that had it not been for that riot, Governor Lindsay would have carried the county by about five hundred democratic majority. Are you of that opinion?

Answer. No, sir; not all. I do not see how they argue in that way.

Question. Of course you heard exhaustively of that affair?

Answer. Yes, sir; I was present. There was a large number of negroes at that meeting. I did not often go to these political meetings.

Question. Politicians are in the habit of speaking of troops being quartered on communities, and the people's action being controlled by bayonets at their throats. Will you please explain all that is done when troops are sent to localities on the request of the civil officers?

Answer. At the request of the civil officers, I have generally issued an order and the troops have started. They come to the place, and take their position. It has been a complaint, constantly made to me by the officers, that when they arrive they find nobody. A sheriff sometimes comes, but very often does not come. They generally send and inform him that they are there. In almost every instance, they stay there, and it is just a mere moral effect produced by their presence. The people whose applications bring them there do not often appear. Officers have frequently complained that they find nobody to show them any attention. I presume it is on account of the feeling which the civil officers have, not wanting to identify themselves with the troops right away, lest they might get the credit of having brought them there, but occasionally some one comes and makes his appearance in the camp; very frequently it is the gentleman on whose place they are camped. Very often it is a democrat; he tells them that he is glad to see them come; that he does not know the necessity for their coming, but if they must have troops there, they would rather have United States troops than any others, and then he would show them some better place to camp. I know in Livingston, when our troops went there, they did not meet the sheriff or any civil officer. Mr. Hale took them to his place, where they staid. I have been struck by this fact, that wherever I have had troops stationed, when I came to take them away the people generally wanted them to stay.

Question. You do not mean to say that the democrats wanted them to stay?

Answer. Yes, sir; both sides; the men spend money, and they have found that the troops were not used, except in the most legitimate way, as preservers of peace and order. They saw there was no ground of complaint against them; that they were as much their friends as of anybody else. It is fair to say that many of the soldiers are democrats, if they have any politics. They dislike the negroes, and have no affiliation with them.

Question. So that there is no foundation for this allegation that the troops are quartered upon any community?

Answer. No, sir.

Question. Or that the action of the community is controlled by bayonets?

Answer. No, sir. I think that is so far from being the fact, that, as a general thing, the people of this State and all other Southern States, where I have been, would rather see the troops go away because the very fact of their being here addresses itself to them as an evidence that they are here to keep them in order; but as they are finding out that they are simply to control the lawless, and prevent the bad from committing violence, the people have ceased to have any such opinion about it. I don't think the people of Huntsville to-day would willingly see the troops removed, and I have been with them a long while, and have considerable attachment for them. I speak of the community generally—the citizens of the town.

Question. Have your troops ever been used for any other purpose in Alabama than as conservators of the peace?

Answer. Never, on any occasion, have they been used for any other purpose.

By Mr. BLAIR :

Question. You spoke of a large republican majority that there was in Greene County—2,700.

Answer. Yes, sir, between two and three thousand.

Question. Were you aware of the fact that the democratic vote was much larger at the last election, and that that was one of the causes of the reduction of the radical vote in Greene County?

Answer. No, general, I was not aware of that. I never gave any particular attention to it. That is merely what I have heard; it struck everybody as very remarkable.

Question. That is a fact that was in testimony, that the democratic vote was much larger at the last election in Greene County than it had been previously, and that the diminution of the radical vote was to a certain extent accounted for by it; and the testimony spoken of by Mr. Buckley, in which the opinion was expressed that but for that riot which inflamed the negroes and brought them out, the democratic vote would have been still larger, is the explanation that was offered.

Answer. Which excited the negroes and brought them out to vote?

Question. Was there not hostility to the democrats by reason of this riot?

Answer. I never heard of that before.

Question. You have been asked the question if the good men of the community had set their faces against these disturbances, in different sections of the State, could they not have controlled and put a stop to them, and you have expressed an opinion that they could?

Answer. I have.

Question. I will ask you whether if the officers of the law had been efficient, if they had been fairly elected, instead of being thrust upon the people by an act of Congress; and had enjoyed the confidence of the community, they would not have been much more efficient in preserving the peace?

Answer. I think there is no question about that; I do not make any decision in my mind in regard to the specific points in that question, because these are subjects upon which I ought not to decide, but I am of the conviction that if the civil officers, from proper reasons, had enjoyed the confidence of the community, they would have been far more efficient, and there would have been less of these troubles.

Question. They were in great part utterly inefficient?

Answer. Yes, sir, I think so. The great majority with whom I had to deal were inefficient men. When I would answer their call for troops, they would get behind the troops when they got there, expecting them to do their duty for them; that was what rendered me so cautious.

Question. You have expressed the opinion that the portion of the State in which there was the greatest hostility to the negro was the mountain region?

Answer. Yes, sir, I think so; particularly that class that live in what they call the beats, and in the mountain region generally.

Question. Were these people generally Union men during the war?

Answer. That I do not know. I do not know of what politics the men were in Alabama and Mississippi.

Question. Do you know, as a matter of history, for instance, that we enlisted large bodies of men in North Alabama?

Answer. Yes, sir.

Question. You know, as a matter of history, that in the early part of the war, and before the outbreak of the war, Northern Alabama was almost unanimously for the Union?

Answer. Yes, sir.

Question. There were very few exceptions to the rule. I believe it is a matter of history that their entire delegation in the convention called for secession were elected as Union men. Do you not know that as a part of the history of the State?

Answer. Yes, sir, I remember that that is so. The first Alabama regiment was raised there. It fought upon our side.

Question. It is not true, then, that this spirit of hostility to the negro exists among the old slave-holders, or in that portion of the State where secession was most popular?

Answer. No, sir; I do not think the planter hostile to him in that sense at all. He wants his labor; he knows he is still valuable to him, and he does not want to kill him or drive him away.

Question. The other class have always had hostility to the negro?

Answer. Yes, sir, always; they were jealous of him before the war.

Question. They considered negroes as persons who interfered with their labor?

Answer. Yes, sir; their rivals.

Question. This is especially observable on the lines of railroad that penetrate through that country?

Answer. Yes, sir.

Question. These troubles of which you speak in Calhoun County have arisen, as appears from these affidavits, from the negro, as one of them expresses it, and the hostility especially is to these negroes working upon our roads?

Answer. Yes, sir, I noticed that.

Question. I have forgotten the names of the parties connected with these railroads whose affidavits you read.

Answer. Mr. Barney, of the Selma, Rome and Dalton road, applied to me.

Question. He uses the expression that they are especially hostile to the "negroes employed on our road."

Answer. Yes, sir.

Question. Do you infer, from your knowledge of these matters, and the character of these affidavits, that the hostility of that class of white men to the negro is more on account of his interference with their occupations, their labor?

Answer. Yes, sir.

Question. It is from that more than from political considerations?

Answer. Yes, sir; I know that to be the case in North Alabama, where I am more particularly acquainted with the fact.

Question. Would there be any necessity for troops if the civil officers in the State of Alabama were efficient in performing their duties?

Answer. Yes, sir; I think in some cases there would be.

Question. If, in addition to that, the officers enjoyed the confidence of the white people, would there be any need for troops?

Answer. I should think so; there are places where I would still keep troops.

Question. In speaking of the quartering of troops upon the people, notwithstanding the fact which you have stated, and of which I have no doubt, that the troops under your command have never interfered except in a case where called upon by official authority, is it not regarded as a stigma by the people at large of the State?

Answer. Yes, sir, it is; that is what I have said, that they would prefer not to have them, because every time they see a soldier, they regard the fact that he is there to keep them in order. That was the case, but is not so much so now. I think they have discovered that the troops are used so decidedly in accordance with law, that they do not care anything about it, and in some places they decidedly prefer to have them, because they spend money.

Question. They prefer troops infinitely to the militia that would have been put upon them by previous governors of the State?

Answer. O, yes, sir.

By Mr. BUCKLEY:

Question. Have any militia ever been raised in this State?

Answer. No, sir; never. Governor Smith made several attempts to raise volunteer militia, but he could not get anybody to take it in hand.

By Mr. BLAIR:

Question. Did he have a draft?

Answer. No, sir; he never drafted any militia at all. General Dustin, here, is the major general. He has no militia; no staff. He said he called Governor Lindsay's attention to the law the other day, and that he was proceeding to organize this volunteer militia. He said, at least, that that was a good thing, and he would have it done. There is a law now on the statute-book which requires that where forty men or more enroll

themselves and choose their officers, the governor, upon application, shall take them in as volunteer companies.

Question. In referring to the probability of disturbances at the election approaching, you do not mean the election of next year, but the election for local officers this year?

Answer. I mean, general, any election for some time to come, and especially a general election, a presidential or congressional election particularly.

Question. There are a great many causes of irritation in the election, growing out of what is considered a fraudulent and unfair election law, is there not?

Answer. Yes, sir.

Question. An election law which forbids challenging; which forbids the scrutiny of any man's right to vote who presents himself and demands it; is not that the case?

Answer. Yes, sir; there is a good deal of complaint.

Question. Is that naturally a cause of irritation to those who think the elections are conducted unfairly?

Answer. Yes, sir.

Question. General, you have submitted a great many affidavits, and spoken of the information which has been laid before you, as an officer in command in this State, of outrages committed upon a certain class of people; has it not come to your knowledge, since you have been a resident of this State, that there have been gross and flagrant outrages, especially in the way of pilfering, and stealing, and plundering, by the civil officers of the State?

Answer. I have heard such accusations, sir—I have heard of them, and have read the discussions in regard to them in the papers.

Question. In your association with the people of this State, have you not observed that among the causes of discontent and of irritation, that plays a most conspicuous part?

Answer. Yes, sir, it does. It is a constant subject of complaint—

Question. That the new condition of things has exposed them to have everything swept away from them by the thieves who have been let loose upon them, and by the appropriations of public moneys?

Answer. They do make that complaint. The whole Government are called fools and thieves from the stump, and in the declamation of the party—by General Clanton, for example.

Question. I do not refer to any declamation on the stump, or even what appeared in the newspapers as matter of electioneering; but in private association with the people of this State, has it not been spoken of as a deep-seated cause for discontent, that they were helpless and exposed to plunder?

Answer. Yes, sir.

Question. From strangers who had come among them, put in office by the negroes?

Answer. Yes, sir; I have heard those statements and complaints.

Question. Do you believe that to be a just complaint?

Answer. I think, sometimes, the complaints were very reckless; indeed, generally very reckless, and I cannot answer the question as to whether I believe them just, because I never examined into the matter at all. I never considered that it was a matter with which I had anything to do, but that the complaint is general, and was constantly made to me, is a fact.

Question. Do you not think it is something of a hardship for the people to be deprived of the services of their best men in office—those in whom they have confidence?

Answer. Yes, sir; but all of their good men are not under disabilities.

Question. And to be ruled by men who are entire strangers to them?

Answer. I do, decidedly, as an abstract proposition—unquestionably.

Question. You think it is natural that those people should be restive under such a system being imposed upon them?

Answer. Yes, sir; from their stand-point, I should think so.

Question. If you had to stand on that point and survey your own country—

Answer. I would think so; but I do not stand on that point.

By the CHAIRMAN:

Question. General, I will ask you if you, as a military officer, had taken an oath to support the Constitution of the United States; had been educated at the public expense; had afterwards voluntarily engaged in rebellion against the Government, and sought, for four years, by all your skill and your every effort of mind and body, to break up the Union, would you regard it as a very great penalty that you should be prevented from holding office again?

Answer. No, sir; I would not.

Question. Would you regard it as a just cause of complaint against the Government that you were not allowed again to hold a commission from the Government?

Answer. No, sir.

Question. Do you know of anybody in the State of Alabama that is now disabled from holding office except that class of men who have once taken an oath to support

the Constitution of the United States, and have violated that oath by engaging in the rebellion?

Answer. No; I know of none.

Question. Is not the secret and principal cause of discontent, upon the part of the democratic portion of the people of Alabama, that they have not now the political control of the affairs of the State?

Answer. Yes, sir; it is.

Question. And is not a great deal of this vituperation, of which you have spoken, caused by the fact that they are a little envious of the happy possessors of the offices?

Answer. Yes, sir; I think that has a good deal to do with it.

Question. You were asked whether Northern Alabama did not elect members to the secession convention who were openly opposed to secession, and you have stated that it did. I will ask you to state, further, if those members did not afterwards, as a general thing, vote for the ordinance of secession, and become ardent and determined secessionists?

Answer. Yes, sir; a majority of them did.

Question. You spoke of the feeling against the soldiery in the State of Alabama. Does this feeling arise against them as the representatives of the power of the Government, or as a part of that Army against which the people of the South fought?

Answer. No, sir; it is against them as the representative of the military power of the Government.

Question. You have stated, in your answer to General Blair, that you think many of these disturbances exist and are not put down, and the offenders are not brought to punishment, on account of the inefficiency of the civil officers?

Answer. Yes, sir.

Question. Now, I ask you to state whether you think there is a disposition on the part of the democratic portion of the community to form a posse, at the instance of a radical sheriff, in order to put down these disturbances?

Answer. Well, sir, how that may be, generally, I could not answer; but I know that in particular instances a great many such men as would form a posse, told me they were perfectly willing to go.

Question. To put the question in another form, so as to get your views fully upon this point, I will ask you whether there is a sustaining public sentiment to help a radical judge and sheriff to put down these offenses and stop this lawlessness?

Answer. In all parts of the State?

Question. Yes, sir.

Answer. No, sir; I think not.

Question. And if there were such a sustained public sentiment in these disturbed localities, do you not think the perpetrators of these acts of violence could be arrested without the interference of the military authorities?

Answer. Yes, sir; I think so.

By Mr. BLAIR:

Question. You have expressed the opinion, general, that if you were an educated and sworn officer of the United States, you would not consider it a very great penalty if, for violating that oath, you should be deprived of your employment. I will ask you whether if a citizen of this country you would like to be deprived of any position which he occupies without a fair trial before a court of justice, and a due conviction according to law.

Answer. No, sir; I think not.

Question. Whether with the Constitution of the country to shield you, you would consider that you were fairly treated if you were simply dismissed from your employment, and rendered perpetually ineligible by a bill of attainder and *ex post facto* law?

Answer. No, sir; I think not; but whatever might be the question, if its issue were submitted to battle, I should be prepared to abide by the result.

Question. That is, probably, what every man has been compelled to do; but there is no issue of battle, as to whether you should hold office or not, and whether you should be rendered ineligible or not; the issue of battle was not predicated upon that.

Answer. But is it not one of the results of that issue?

Question. I do not see that any such results can be drawn from it. I understand that the Constitution of the country says that no man shall be condemned without a trial, and I mean not a trial by battle, but a trial by the law, according to the forms of law, and I do not understand that any of these gentlemen have been put under disabilities for holding office by reason of any trial by law, but simply by an act of Congress which has rendered them ineligible, and when they are thus disabled from participating in the benefits of the Government, is it reasonable to call upon them to execute the laws and maintain order when they are not to have the benefit of them?

Answer. When they are not to have the benefit?

Question. No, sir; when they are disabled by the very laws themselves?

Answer. That disability is temporary only.

Question. It remains for their lives unless sooner removed

Answer. If they choose to, they can have it removed themselves, by their own application.

Question. I have not found that to be the experience of a good many of them.

Answer. In reference to that other question on which I said my stand-point was different from theirs I will say, I have no objection in the world to admitting all these men; I think it is a hardship to deprive the people of their best men, but if the admission of these men is to be dangerous to the Union, they should be kept out.

By Mr. BUCKLEY :

Question. Did you understand that this was meant as a measure of safety or of punishment?

Answer. As a measure of safety. I have always looked upon it in that way; safety to the Union, and that its life must not again be imperiled.

Question. It was not intended, then, as a punishment?

Answer. No, sir; it was not a punishment, in my judgment.

By the CHAIRMAN :

Question. Regarded as a punishment do you not think it was the very lightest penalty that their great crime admitted?

Answer. Yes, sir; the very lightest.

By Mr. BLAIR :

Question. I understand that you look upon this matter as it affects the State and society, and not as specially applicable to the individual himself; whereas it might to a man of ability, who is able to take care of himself, be a very light punishment to debar him from office that he did not want; yet to deprive the State of the services of all of its ablest men, and to intrude strangers unknown to the people, and mostly adventurers, to conduct their affairs, is a grievance against the whole body politic, and not simply a punishment of a few individuals; is not that the most objectionable aspect in which this policy is to be viewed?

Answer. I would like to hear exactly the point of that question again.

Question. The point of the question is, that the greatest grievance is not so much that of the individuals who are deprived of the power of holding office, as that of the State which is deprived of the services of its ablest and best men. Do you not conceive it to be so?

Answer. I do not think those men who are excluded from office include the whole of the able men in any one of the States at all; they are a very small fraction; other men in the State are quite as able who did not happen to have been in political life or to have held conspicuous positions. I do not think it sets the State back at all; there are other men quite as able, if the people would elect them.

Question. It includes all who held any State offices?

Answer. It includes all who violated the oath to support the Constitution of the United States.

Question. That is, all State officers?

Answer. Yes, sir.

Question. Is it possible that all the men who have, in the past history of this State, held any office of any consequence do not include the largest portion of the most able and experienced?

Answer. I have not thought so.

Question. I think if you will ponder the matter you will come to that conclusion.

Answer. It appeared to me that the whole number thus excluded, over the whole South, did not amount to so very many.

By the CHAIRMAN :

Question. Has not Congress been very liberal in removing these political disabilities whenever these men, excluded by the operation of the fourteenth amendment, have made application?

Answer. Yes, sir; I think so.

Question. Is there not a sentiment of pride among this class of persons, that as a general thing induces them to abstain from applying; do they not expect the Government to come to them and extend amnesty voluntarily to them as if they were a class very much wronged?

Answer. What their inferences may be I cannot tell, but it is very possible that you are right. That is certainly the case; they do not apply.

By Mr. BLAIR :

Question. Might that not arise from the fact that they, not being republicans, have no hope of their application being favorably considered?

Answer. There are many instances where men who were very ardent secessionists and prominent in the confederate cause have had their disabilities removed.

Question. They have since become republicans?

Answer. No, sir; some of them have not.

By Mr. BUCKLEY:

Question. Was not the present governor of the State relieved?

Answer. Yes, sir; and Judge Goldthwaite and Representative Sloss were relieved.

Question. Is it not a fact that the republican party of this State are very much in favor of the removal of all political disabilities?

Answer. Decidedly; and I was about to say that a general amnesty would be the very best act that could be done whenever Congress thinks it time to do it.

By the CHAIRMAN:

Question. Reaching up the whole line to the head—the president of the confederacy?

Answer. I think there are certain exceptions, which, even if they are left to the people of the South, they would make. I think we could very well do it.

By Mr. BUCKLEY:

Question. You have been asked, if the civil authorities enjoyed the confidence of the people, would there be any necessity for troops in the State of Alabama. I ask if there be not localities where no republican, however good an officer, could gain the confidence of the people, and especially the white people of the State?

Answer. Yes, sir; I think there are some parts of that kind.

Question. Then the officer, in order to be efficient in the discharge of his duty, must enjoy that confidence, must he not?

Answer. Yes, sir.

Question. Does not the efficiency of a public officer depend very much on the hearty support of the public sentiment which surrounds him?

Answer. Certainly it does.

Question. Does not the civil law generally receive its strength from a correct public sentiment in the community?

Answer. Yes, sir; I think it does.

Question. Are there not localities in this State where, even if an officer were efficient and discharges his duty, there would yet be a failure to execute the law on account of the trouble in selecting jurors of which you have spoken?

Answer. I think there are.

APPENDIX OF DOCUMENTS REFERRED TO IN THE TESTIMONY OF GENERAL S. W. CRAWFORD.

Index to civil documents for 1869.

CLASSIFICATION.

Class first.—Reports of investigations, &c., by officers, with appended documents.*Class second.*—Applications for military aid, affidavits, statements, &c., from civilians*CLASS FIRST.*—*Reports of investigations, &c., by officers, with appended documents.*

| No. | Date. | Writer. | Purport. |
|-----|------------------|--|---|
| 1 | 1869. Aug. 11 | S. W. Crawford, colonel Second Infantry, brevet major general. | Letter to Colonel J. H. Taylor, assistant adjutant general, Department of the South, forwarding documents in the case of Dean Reynolds (colored) <i>vs.</i> Ku-Klux. Appended: Report of Lieutenant Keller, note from Judge Ford, affidavit of Dean Reynolds, and appeal of General Crawford to the governor of the State; also, his excellency's reply thereto. |
| 2 | Aug. 23 | Lieut. W. M. Wallace, United States Army. | Reports regarding outrage upon George Moore and Robert Roundtree, (colored,) citizens of Alpine, Georgia. Appended: Affidavits of Cynthia Bryant, Riena Barry, (colored,) statement of George Moore, (colored,) affidavit of Joshua L. Belote, (white,) and statement of John Hamilton, (white.) |
| 3 | Aug. 24 | Capt. G. H. McLoughlin, Second United States Infantry. | Reports arrival of Henry Evans, and statement regarding skirmish between colored men and Ku-Klux. |
| 4 | Aug. 26 |do..... | Reports result of investigation of disturbances at Vienna. |
| 5 | Aug. 27 | M. F. Gallagher, lieutenant Second Infantry, brevet captain. | Reports regarding state of affairs in Greene County, Alabama. |
| 6 | Oct. 1 | James Miller, lieutenant Second Infantry. | Report regarding intimidation of voters. Appended: List of registered colored voters and votes cast in De Kalb County, Alabama; affidavits of John Stewart and Isadas H. Davis. |
| 7 | Oct. 2 | Charles Keller, lieutenant Second Infantry. | Letter transmitting certificate of Judge Hunnicutt. Appended: Certificate of Judge Hunnicutt certifying to the fact that no election was held in precinct No. 1, Cleburne County, fifth congressional district of Alabama, and giving reason rendered by inspector therefor. |
| 8 | Oct. 26 |do..... | Reports the murder of a negro, and measures taken to arrest the murderers. |
| 9 | Nov. 14 |do..... | Reports outrage perpetrated by disguised men. |

CLASS SECOND.—*Applications for military aid, affidavits, statements, &c., from civilians.*

| No. | Date. | Nature and purport of communication. |
|-----|----------|--|
| 1 | 1869. | |
| 1 | June 15 | Affidavit of Diana Williams concerning Ku-Klux outrage. |
| 2 | June 15 | Affidavit of G. Cornelious concerning Ku-Klux taking arms, &c. |
| 3 | July 7 | Letter of L. M. Douglas, judge of probate, requesting that troops be sent to certain localities; states that the civil authorities are unable to preserve the peace. |
| 4 | July 12 | Affidavit of Daniel Vix concerning attack on his house. |
| 5 | July 22 | Statement of Deputy Sheriff Joseph Lee concerning outrages in Lawrence County. |
| 6 | July 24 | Affidavit of J. Sanford concerning the murder of Lewis Campbell by disguised men. |
| 7 | July 29 | Letter of J. P. Doyle, sheriff of Madison County, asking for military aid to arrest certain murderers, &c. |
| 8 | July 30 | Mulligan, E. M., makes affidavit regarding Ku-Klux outrage. |
| 9 | Aug. 4 | Affidavit of Mary Campbell concerning the murder of her husband. |
| 10 | Aug. 4 | Letter of Captain G. H. McLoughlin inclosing affidavit of Isham Henry. |
| 11 | Aug. 7 | Affidavit of Samuel Mastin concerning robbery by Ku-Klux. |
| 12 | Aug. 18 | Affidavit of Moses B. Sullivan, minister, concerning ill-treatment received from Ku-Klux. [See testimony of A. S. Lakin.] |
| 13 | Aug. 25 | Affidavit of Henry Rivers regarding his being shot by Benjamin Evans. |
| 14 | Aug. 26 | Affidavit of W. C. Stephens concerning attempt to arrest W. M. Evans and others. |
| 15 | Sept. 1 | Affidavit of W. Meeks concerning forcible entry of his house by Ku-Klux. |
| 16 | Sept. 2 | Affidavit of J. White concerning Ku-Klux outrage. |
| 17 | Sept. 18 | Petition of thirty-four citizens of Vienna for military protection for themselves and property. |
| 18 | Sept. 20 | Petition of W. R. Hunnicutt, judge of probate, and twelve other citizens of Cleburne County, Alabama, for military protection. |
| 19 | Sept. 22 | Letter of Robert Peam requesting military protection for Vienna district. |
| 20 | Sept. 25 | Affidavit of J. Leslie concerning Ku-Klux outrages. |
| 21 | Oct. 27 | Affidavit of William Blair concerning Ku-Klux outrages. |

Instructions by General Terry to General Crawford.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Atlanta, Georgia, June 12, 1869.

GENERAL: In reply to your communication of the 10th instant, inclosing letter from the probate judge of Madison County, Alabama, I am instructed by the department commander to inform you that whenever proper application for assistance or protection in the execution of any writ or process of law is made upon you by any officer charged with its enforcement, such as sheriff, bailiff, or constable, you will grant it, in the sense and by the means indicated in general instructions heretofore furnished for your guidance, reporting the circumstances in each case, with your action thereon, to these headquarters. You are further authorized, when in your judgment it may be deemed advisable, to communicate direct with the governor of Alabama in matters pertaining to the execution of the laws requiring the action of the military authorities.

Very respectfully, your obedient servant,

J. H. TAYLOR,
Assistant Adjutant General.

Brevet Major General S. W. CRAWFORD,
*Colonel Second United States Infantry,
 Commanding Post of Huntsville, Huntsville, Alabama.*

[No. 1.—Class first, 1869.]

HEADQUARTERS POST OF HUNTSVILLE, ALABAMA,
August 11, 1869.

COLONEL: Inclosed I have the honor to transmit report from the officer in command at Somerville, Morgan County; also communication of Judge Ford in regard to the execution of warrants. It is but a sample of the manner in which justice is meted out in this section.

Very respectfully, your obedient servant,

S. W. CRAWFORD,
Brevet Major General, Commanding.

Colonel JOS. H. TAYLOR,
Assistant Adjutant General.

SOMERVILLE, ALABAMA, *August 7, 1869.*

SIR: I have the honor to report that I have investigated the matter contained in inclosed communication, as to delay, and find the facts as follows: The warrants were executed on the same day (August 2) that Judge Ford's note was written, and long before the mail left this place for Huntsville. The prosecutor, Mr. Reynolds, was at the court on the morning of the 2d instant, and the judge stated that the warrants had not been executed, and there would be no trial, or words to that effect, whereupon the prosecutor left for home; not more than an hour thereafter the prisoners were brought in before the court, and the judge discharged them, stating, as a reason, that there was no prosecutor, when, upon his (the judge's) own statement, the prosecutor had left for home, and there was not even an attorney appointed by the court to represent the State. From what I can learn, it was premeditated, or at least it looks so, and makes the inclosed note of Judge Ford's a prevarication and the law a nullity.

Very respectfully, your obedient servant,

CHAS. KEULLER, JR.,
First Lieutenant Second Infantry.

Lieutenant JAMES ULIO,
Second Infantry, Post Adjutant.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

SOMERVILLE, ALABAMA, *August 2, 1869.*

DEAR SIR: The sheriff has not executed the warrants as yet; and if he should, I will

bind them over to the circuit court; and if he fails to get them, Dean Reynolds had better come before the grand jury.

Respectfully, yours,

JONATHAN FORD.

Mr. JOHN H. WAGER.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

STATE OF ALABAMA, *County of Madison :*

On this 5th day of August, 1869, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, Dean Reynolds, late of Morgan County, but now living in Madison County, State of Alabama, who, being duly sworn, deposes and says that on or about the 15th of January, 1869, on Saturday night, between the hours of 10 and 11 o'clock, I was aroused from sleep by hearing knocks against the door of my house, which is on the plantation of Mr. Henry Davis, four miles below Whitesburgh, south side of Tennessee River, in the county of Morgan, State of Alabama, and voices saying, "God damn you, get up and open this door;" I said, "Who is there?" some one replied, "By God, we are just from hell; get-up and open the door." I said, "No one who goes to hell ever returns back again;" the voice said, "By God, we have come out of the moon to-night, and are come to kill you;" then they tried to burst the door open. I put a prop against it, and then they knocked down some boards which were nailed over a window, and came into my house that way; five men disguised; their faces were covered with masks of different colors. One of the men caught me by my shirt collar, saying, "God damn you, whatever you are going to do, do it now." I knocked him down with my fist; then another man jumped on me, putting his arms around me trying to throw me down, but I threw him down; while I had these two men down two others, with guns in their hands, which they used as clubs, struck me over the head with them. I saw the blows coming, and raised my right arm to defend my head, and the blows broke my arm above the wrist, and my head was cut by the blow. I hollowed murder; then they hollowed out, "Kill him, kill him," and one of the other men came up saying, "Is he dead?" The others said, "No;" he then struck at me with his gun; I then raised my left arm up to defend my head; the blow broke my arm in two places above the wrist; this was done by the third man with his gun; one of the party said, "Is he dead?" another said "No;" the first one said, "Let us kill him," and the second said, "Come, let us go; it will betray us;" and the one who had spoken first, saying, "Let's kill him," struck me in the side with his gun, knocking me over; they then left. In the fight I tore the masks off the faces of three of the men, and I recognized Davis Bell as being the first man who attacked me, David Teny as the second man who did so, trying to throw me down. John Moore and Tom Travis struck me over the head with their guns, breaking my right arm, at the same time the masks had fallen off their faces. George Sisscomb is the one that struck me over the head and broke my left arm; in doing this his mask fell off of his face, and I recognized him as well as the rest of them; they all live in the neighborhood. My wife ran out of the house crying murder, and Frank Dunlap, who was holding his horse, which is cream-colored, and guarding the horses for the other men, struck my wife over the head with his gun, knocking her down, and hurt her very badly. He did not have on any mask. I was in bed for over twelve weeks from the injuries received that night, and am unable to do work even at this day, and I am in a destitute condition, being compelled to leave that neighborhood, and my crops to the mercy of these men. I further swear that I had been warned by many persons that these men had threatened my life, and it was not safe for me to stay there; but staid, hoping to get my crops gathered and sold so as to leave there. I am a preacher and preached in that community; had been in the Army of the United States a soldier; that, they said, was the reason they were going to kill me.

his
DEAN + REYNOLDS.
mark.

Sworn and subscribed to before me this 5th day of August, A. D. 1869, and I hereby certify that the above and foregoing was carefully read to the affiant before signing his name by making his mark.

JAS. H. BONE,
Clerk Circuit Court.

A true copy of the original forwarded to headquarters Department of South.

S. W. CRAWFORD,
Brevet Major General.

HEADQUARTERS POST OF HUNTSVILLE,
Alabama, August 19, 1869.

GOVERNOR: Inclosed I have the honor to transmit to your excellency a communication from one of my officers at Somerville, Morgan County.

It is extremely desirable that the perpetrators of the attack upon Reynolds should be re-arrested, and brought to justice. Reynolds is here, and I can and will send him to testify in the case. I have no power to interfere or I should certainly do so. The civil officers should be forced to do their duty. Not one of these disguised assassins has ever been brought to justice.

I hope, if you have the authority, that you will direct the re-arrest and examination of these men.

With great respect, I am your excellency's obedient servant,

S. W. CRAWFORD,
Brevet Major General, Commanding.

His Excellency Governor WM. H. SMITH,
Montgomery, Alabama.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, August 26, 1869.

GENERAL: By direction of the governor I acknowledge the receipt of your communication of the 19th instant, with inclosures in regard to lawlessness in Morgan County. The governor directs me to express to you his sincere thanks for the information you so kindly furnish upon this subject.

Official communications will be immediately sent to the proper civil officers in Morgan County, in which they will be peremptorily directed to employ all lawful means in their power to bring offenders to justice and take all needful precautions to preserve life and property in the future.

Very respectfully, your obedient servant,

D. L. DALTON,
Governor's Secretary.

Brevet Major General S. W. CRAWFORD,
Huntsville, Alabama.

[No. 2.—Class first, 1869.]

HEADQUARTERS DETACHMENT SECOND INFANTRY,
Camp near Alpine, Georgia, August 23, 1869.

SIR: I have the honor to report that I have made every effort to ascertain the facts relative to the alleged outrage committed upon the persons and property of George Moore and Robert Roundtree, colored, who lived at this place.

It would appear, by the testimony obtained, that Moore's report was much exaggerated; it is possible, however, that the witnesses examined by me have been tampered with.

George Moore's property amounts to fifteen hogs and one cow. His part of the crop will be worth about \$40. George Moore and Robert Roundtree left their property with Mr. Belote to be disposed of by him; they were working his land on the share system. Inclosed please find affidavits of Cynthia Bryant, Rina Barry, and J. S. Belote, with also Moore's statement.

Very respectfully, your obedient servant,

W. M. WALLACE,
First Lieutenant United States Infantry, Commanding Detachment.

Lieutenant JOHN ULIO,
Second United States Infantry, Adjutant Post of Huntsville, Alabama.

Since writing the above I have received the inclosed statement of John Hamilton. He sent me word that he knew something about Moore's case, but was afraid to see me. I directed him to communicate through Smith, which he has done.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

Cynthia Bryant, being duly sworn, testifies as follows :

I was staying at George Moore's house on the night of the 31st of July. I slept in the bed with Aunt Rina Barry; at about midnight I was waked up by hearing knocking at the door; the door was knocked down. Then one man asked George if he was Roundtree; he told them his name was George Moore; they then made him go out, and I heard them whip him; then they asked him who he voted for; he told them Grant, and they cursed him and told him to shut the door; then they made him open it, and made George show them the way to Roundtree's. The men did not trouble me nor Aunt Rina, only one of them sat on the bed and asked who was in bed with me. I told them, and they went away. We were not troubled any more. About a week after this occurred, George Moore, his wife, and Roundtree went off to Rome.

CYNTHIA ^{her} + BRYANT.
mark.

Sworn and subscribed to before me this 26th day of August, 1869.

JAMES McCULLOUGH,
Justice of the Peace.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

Statement of George Moore, (colored.)

I live near Alpine, Cherokee County, Alabama. On the night of the 31st July last, about forty disguised white men came to my house. They knocked at the door, and receiving no reply, they burst the door open with rails. They then ordered me out, and after coming out, struck me over the head with a pistol. They then ordered me to deliver up my weapons. I gave them a gun I had in the house. They then made me kneel, and beat me with a peach-tree branch; they then drove me up and down the road before their horses. I was afterward struck over the eye and knocked down. Four men then guarded me while others went in and ravished a young girl (Cynthia Bryant, aged seventeen) who was visiting my wife. They then ordered my wife out to gratify their passions, and she escaped by stating that she was just recovering from a miscarriage. They also burst open the house of my neighbor, Robert Roundtree, struck him with a pistol, kicked him, and jabbed him in the eye with muzzle of a pistol. He attempted to escape by running, and they shot him through the thigh; they also shot one of his cattle. The cause of this treatment, they said, was that we voted the radical ticket. I have eighteen head of stock, and twenty acres of corn, cotton, and potatoes, which I cannot go back to recover.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

Rina Barry, being duly sworn, testifies as follows :

I am the mother of George Moore, and was living at his house on the 31st day of July, 1869. On the night of that day the occupants of the house were, George Moore, his wife, Cynthia Bryant Leatti, and myself. Cynthia slept in the bed with me. Between the hours of midnight and day, a party of men, I don't know how many, come to our house, knocked, and called for the door to be opened. George did not open it quick enough; they got a rail and knocked the door down; two of the men came in and told me to make up a light. Moore's wife made the light up. They then told George to go out; I heard them ask George where Roundtree lived, then one said, "God damn him, he don't want to tell," and he then hit him several licks. Afterwards two of the men came to the bed where me and Cynthia was, and one of them asked Cynthia who was in the bed with her; she told them Aunt Rina Barry; then they said to me, "Who is that?" I told them, and they left; we were not troubled any more. The next day I saw Roundtree; he told me the men had been to his house, knocked the door down, and called him out; they had got a stick, to whip him with,

but he saw a chance to run, and made off; they fired at him, and he thought he was shot, but I saw the pants he had on at the time, and there was no hole in them.

her
RINA + BARRY.
mark.

Sworn and subscribed to before me this 26th day of August, 1869.

JAMES McCULLOUGH,
Justice of the Peace.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

Joshua L. Belote, being duly sworn, testifies as follows:

I live near Alpine, Cherokee County, Alabama. George Moore (colored) and Bob Roundtree (colored) did live on my place. On the night of the 31st of July I was awakened about 12 o'clock by a noise, as of guns firing. Soon afterwards Sarah Roundtree came to my house and begged to be admitted, saying, "They are trying to kill my husband," at the same time I heard men about the kitchen, calling out, "Get up, old man." Soon afterward they left. I did not get up. On the following day I saw both Roundtree and Moore. They told me that the night before the Ku-Klux had been at their house. Moore said that they had whipped him, but did not hurt him; they then told Moore, after whipping him, that he was not the man they were after. Roundtree said that they came to his house, called him out, and asked for a rope. He saw that they had a rope. He thought they were going to hang him, and concluded to risk running. He ran, and they fired upon him, and he said they hit him in the thigh. I did not examine him, but don't think he walked lame. I did not hear either of the boys say how many men there were.

JOSHUA L. BELOTE.

Sworn to and subscribed to before me this 26th day of August, 1869.

JAMES McCULLOUGH,
Justice of the Peace.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

BROOMTOWN, ALABAMA, August 29, 1869.

LIEUTENANT—SIR: I learn through my friend, J. S. Smith, that you wanted him to see me concerning the way the Ku-Klux had been cutting up. All the information I can give is what I got from the blacks Tuesday after they were abused on Saturday night. I had a conversation with Reaner; she told me that some disguised men came there in the night, and ordered them to open the door, and before she could get her son George awake, they burst down the door, and some came in and others surrounded the house; and they took George out and gave him somewhere from twenty-five to thirty lashes, and one came to the bed where she and a neighbor woman were sleeping, and wanted to get in bed with them, and they refused him, but he said if the girl that was in bed with Reaner did not submit to him, he would shoot her, and had a gun in his hand. The girl commenced crying, and said she did not want to die; and then he set his gun down by the bed and stripped off the cover and got on the girl in bed with Reaner; and some of the rest tried to get George's wife out doors to some of the other men and let them have to do with her, or they would whip her nearly to death. She told them that she had just miscarried, and couldn't. They then took one of George's children up by the heels and dragged it over the floor, bumping its head, and said it would make good pot of soup; and then knocked George down and left. They went some three or four hundred yards, to Robert Roundtree's, and broke down his door and ordered him up. It frightened him till he broke to run. They shot fifteen or twenty rounds, slightly wounding him in the thigh, then took off his gun and a fine hat. This was all J. L. Belote's, or on his lands, on Saturday night before the congressional election. On Monday night there were some fifty or sixty at the foundry, and shot one colored man there. The doctors said he would be bound to die, but he is yet alive. The ball is lodged against his neck vein. Now this about all the information I can give you. I got my information from Reaner Barry (colored) then, but I learn she has since married Astin Belote; also from George Moore, her son, that they whipped and knocked him down. I learn from Squire Alexander, that he went and

investigated the case, but when I saw Reaner and George, and some other colored folks, I told them not to tell anything, unless it was to some one of the republican party, and they told me they would not. I told them if they told what had taken place, they might kill some of them. I also told Reaner she had better not tell anybody else, for the most of the people, if they did not belong to the party, they seem to favor it. If they have not stated to you just as I have, I have no doubt but what it is from the caution I gave them as a friend.

There was a meeting in the settlement of where I live the very day this devilment was done at night, and several of my neighbors were gone, but whether that was what the meeting was for, I ain't able to say. Now, sir, having all confidence in my friend Smith, I write this to you in confidence that you will not reveal my name. I have been called all the hard things that a poor man ever did hear, and have been nearly murdered by a crowd holding me and cutting me with their knives. I would have come to see you before now, but I would be in danger of my life if it was known.

You will do me the favor to not let any one know that I wrote you. If there is anything more you wish to know from me at any time, please send me J. S. Smith, for he is a tried friend.

I would like very much to see you if I could.

Yours truly, evermore,

JOHN HAMILTON.

A true copy:

JAMES MILLER,

First Lieutenant Second Infantry, Post Adjutant.

[No. 3.—Class first, 1869.]

HEADQUARTERS CAMP AT McCLUNG'S SPRINGS,

August 24, 1869—9 o'clock a. m.

SIR: I have the honor to report that John Henry Evans has this moment arrived in camp, and reports that he had to fly yesterday from Wild Goat Cove, said to be distant from here about twelve miles, and five miles from Vienna; that Willis Stevens, a white man, had a company of about thirty-four colored men; that he had a skirmish with some white men, who call themselves Ku-Klux Klan; one of the white men, Willis Monroe Evans, was killed, one colored man, Henry Rivers, wounded, and the fight was still going on when Evans left. The man who was killed was brother of the man who carried the news, and from what I can learn he also belongs to the Ku-Klux Klan, and Stevens is after him. They sent to me for assistance; I await the general's instructions in the case.

I am, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,

Captain Second Infantry, Brevet Major, U. S. A., Commanding Camp.

Lieutenant JAMES ULIO,

Second Infantry, Post Adjutant, Huntsville, Alabama.

P. S.—I sent the man back with instructions that if the disturbance was not quelled, to let me know by courier.

G. H. McL., *Captain.*

A true copy:

JAMES MILLER,

First Lieutenant Second Infantry, Post Adjutant.

[No. 4.—Class first, 1869.]

HEADQUARTERS, CAMP AT McCLUNG'S SPRINGS,

Thirteen miles southeast of Huntsville, Alabama, August 26, 1869.

SIR: I have the honor to report that about 3 o'clock on the morning of the 25th instant I received General Crawford's note directing me to go to the vicinity of Vienna, and quell the disturbance, if any existed there, and make reports of the facts, &c. Most daylight same day I started to Vienna with two officers and fifty men. I arrived at Vienna about 9 o'clock a. m.; the inhabitants of which were in a ferment, as the two Evanses were reported about two miles distant from the town, and had threatened to burn it up. So soon as I arrived at Vienna, about half a dozen of the inhabitants mounted and followed the desperadoes—driving them from Madison County to the mountains of Marshall County, where they came from. I went to Wild Goat Cove,

about nine miles distant from Vienna, where the disturbance originated. I inclose you the result of my labors. I returned to camp about 11 o'clock to-day, the 26th of June, 1869, having traveled with my men nearly forty miles in thirty hours.

I am, sir, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,

Captain Second Infantry, Brevet-Major, U. S. A., Commanding Camp.

Lieutenant JAMES ULIO,

Second Infantry, Post Adjutant, Huntsville, Alabama.

A true copy :

JAMES MILLER,

First Lieutenant Second Infantry, Post-Adjutant.

[No. 5.—Class first, 1869.]

HUNTSVILLE, ALABAMA, August 27, 1869.

LIEUTENANT: I have the honor to report that in compliance with instructions from the commanding officer, post of Huntsville, I proceeded to Eutaw and other points in Greene County, Alabama, to investigate the condition of affairs, and report as to the necessity of stationing troops in that section, and respectfully submit the following result of my observations:

I found considerable excitement existing among all classes of citizens, and a bitter spirit of hostility prevailing against all white and colored citizens who voted the republican ticket throughout the several counties. I traversed *en route* to Greene. This feeling of enmity against republicans has been greatly increased and embittered by the result of the recent election, and in lieu of the calm which usually succeeds these occasions of political excitement, I found the majority of the white people encouraging, tacitly, by their lethargy and feeble condemnation, the lawless spirit that prevails, and pursuing an unjust system of proscription against the freedmen, who differ with them politically. The majority of these outrages are perpetrated upon the more industrious and intelligent freedmen of the county, and evince a determination to prevent the prosperity of this race, and eventually crush out entirely this class, in order that the larger number of ignorant freedmen may be more completely controlled by the whites.

The civil authorities of the several counties through which I traveled have done very little towards bringing the perpetrators of these outrages to justice, and are passive, through policy or intimidation. Some instances were related to me by Hon. Charles Hays, M. C. fourth district, and other gentlemen of Greene County, where freedmen had endeavored to indict white men for assaults, &c.; but the latter had, without difficulty, proven an *alibi*, and then arrested the complaining freedmen for perjury, and thrown them into prison, to languish for months, until the proper courts could investigate the charge. Such justice deters the freedmen from complaining, and places them entirely at the mercy of unscrupulous men, and in districts where the blacks predominate, as in Greene County, these deleterious practices must, sooner or later, arouse the dormant sensibilities of this race, and they will cease to bear this burden of injustice and oppression, with the patient endurance which now characterizes them; and though I consider affairs in Greene much more satisfactory than in the adjoining counties, and believe the civil officers are desirous of protecting all in their rights, regardless of race or color, I would recommend that a company of troops be stationed at Eutaw, to aid them in accomplishing this, and prevent the possibility of outbreaks between the races, which are inevitable as matters now stand.

I am, lieutenant, very respectfully, your obedient servant,

M. FRANK GALLAGHER,

Brevet Captain, U. S. A., Second Lieutenant, Second Infantry.

Lieutenant JAMES ULIO,

Post Adjutant, Huntsville, Alabama.

A true copy :

JAMES MILLER,

First Lieutenant, Second Infantry.

[No. 6.—Class first, 1869.]

LEBANON, DEKALB COUNTY ALABAMA, October 1, 1869.

SIR: In compliance with instructions contained in your communication of the 20th, and in completion of my report of the 29th, I respectfully submit the following:

A copy of two affidavits regarding the use of threatening and intimidating language, in

regard to colored voters, is inclosed, (marked A.) Of themselves they may not be important, but taking into account the position of the person who recommended that the negroes should not be allowed to vote, the time and place when spoken, and the fact of Dox's recommendation, and the promise of his adherents that it should be complied with, were carried out, they become decisive of this point: That so far from these utterances and acts being those of a few ignorant and lawless men, for which no party they might attach themselves to would be justly held responsible, they were the results of a settled policy, advocated and encouraged by the representative men of the party.

The conversation alluded to in the affidavit was held in a portion of the county known as "Langford's beat," district No. 9. In this district there were eleven colored voters registered; not one of them voted.

In the entire county there are seventy-two colored voters; of this number thirty-eight voted, or little more than half. (See document B.)

Of these thirty-eight votes, nineteen were cast at Lebanon, and were all republican. In the other thirteen districts only nineteen votes (colored) were cast altogether, and of these a large proportion were for Dox, the democratic candidate. The reason for this may be found in the fact that Lebanon was strongly republican, and it was known that the republicans of the village and vicinity had organized and armed, to put down, with a strong hand, any attempt at the intimidation of voters upon the day of election.

It may be as well for me to state that the person by the name of Dox, alluded to in the affidavits, was the democratic candidate for district judge.

Very respectfully, your obedient servant,

JAMES MILLER,
First Lieutenant, Second United States Infantry.

Lieutenant S. R. CRUMBAUGH,
Second Infantry, Post Adjutant, Huntsville.

A.

STATE OF ALABAMA, *De Kalb County:*

Personally appeared before me, A. J. Horton, judge of probate in and for said State and county, John S. Stewart, who, being duly sworn, deposes and says that some time in the latter part of July, or the first of August, 1869, at the Gibson meeting-house, in said county, he, the said Stewart, heard P. M. Dox say to a small squad of so-called democrats that if he (Dox) were them, the negroes should not vote.

his
JOHN S. STEWART.
mark.

Sworn to and subscribed before me this 8th day of September, 1869.

A. J. HORTON,
Judge of Probate.

Isadas H. Davis, the same day, at a different place, heard Dox make the same remarks as sworn to by Stewart, and a number of the people to whom his remarks were addressed replied, "No; they" (the negroes) "shan't vote about here."

his
ISADAS H. DAVIS.
mark.

Sworn to the 8th of September, 1869, before me.

A. J. HORTON,
Judge of Probate.

A true copy :

JAMES MILLER,
Lieutenant, Second Infantry.

B.

List of the colored registered voters in different districts in De Kalb County.

| | |
|--------------------------------|----|
| District No. 5 | 5 |
| District No. 6 | 8 |
| District No. 7 (Lebanon) | 14 |

| | |
|--|----|
| District No. 8 | 3 |
| District No. 9 (Langford's beat) | 11 |
| District No. 10 | 6 |
| District No. 11 | 10 |
| District No. 12 | 8 |
| District No. 13 | 3 |
| District No. 14 | 2 |
| District No. 19 | 2 |
| Total registered voters | 72 |

The following is a list of the votes polled in different districts in said county:

| | |
|--------------------------------|----|
| District No. 5 | 4 |
| District No. 6 | 11 |
| District No. 7 (Lebanon) | 19 |
| District No. 8 | 2 |
| District No. 12 | 2 |

Total colored vote as cast in different districts..... 38

Given under my hand this 1st day of October, 1869.

A. J. HORTON,
Judge of Probate.

[No. 7.—Class first, 1869.]

CAMP DETACHMENT SECOND INFANTRY,
Edwardsville, Cleburne County, Alabama, October 2, 1869.

SIR: I have the honor to inclose herewith a certificate of Judge Hunnicutt, in compliance with your communication of the 20th of September, 1869, which is the only reliable information on the subject of threats that are known here, although reports say that the Ku-Klux were riding on the precincts of this county bordering on Calhoun County, and threatening a great many negroes, thereby preventing their going to election. This county is greatly republican in politics.

Very respectfully, your obedient servant,

CHAS. KELLER, JR.,
First Lieutenant, Second Infantry, Commanding Detachment.

Lieutenant S. R. CRUMBAUGH,
Second Lieutenant and Adjutant, Second Infantry, Post Adjutant.

“EDWARDSVILLE, CLEBURNE COUNTY, ALABAMA, October 2, 1869.

“I, W. R. Hunnicutt, judge of the probate court of Cleburne County, Alabama, hereby certify that there were no returns made to this office from precinct No. 1, of Cleburne County, of an election which should have been held in said precinct on Tuesday, the 3d day of August, 1869, for a member to Congress from the fifth district of Alabama; and I further certify that, upon inquiry of one of the inspectors of the election in said precinct why an election was not held on said day, I was told that, owing to the excitement caused, and threats made by Ku-Klux in that section of country, that the loyal citizens were fearful to undertake to hold an election.

“Calvin M. Wheeler, John Borden, Gardner Wheeler, inspectors of election precinct No. 1, Cleburne County, Alabama.

“Given under my hand and private seal (there being no official seal of office) October 2, 1869.

“W. R. HUNNICUTT,
“Judge of Probate.

[No. 8.—Class first, 1869.]

CAMP DETACHMENT SECOND INFANTRY,
Cross Plains, Alabama, October 26, 1869.

SIR: I have the honor to report that a colored man was cruelly murdered about a mile from here, secreted in woods and brush, and partially buried. He was shot in the

head. The person who is suspected of having killed him, and who was last seen with the negro, was C. C. Mooney, a white man, and bad character. As soon as it was reported to me that a colored man was missing under suspicious circumstances, and had been, since the 22d instant, I sent out some men with the negro who reported facts to me, and they soon found the lost negro. I then sent out several detachments to arrest the man suspected of the murder, and at the same time notifying the civil authorities of the affair. The detachments were, however, not able to find the murderer, he having left that morning, the 25th instant. I had a detachment secreted near the house where the murderer boarded, all last night, supposing he might come back during the night after his effects. I also sent a detachment on the last night's up-train to watch closely all men that came on the train at different stations from here to Rome, Captain Barney, superintendent of the road, kindly furnishing a pass for the detachment. All efforts, so far, have been fruitless.

The civil authorities held an inquest, and came to the conclusion that the negro was killed by being shot in the head by C. C. Mooney, &c., but they made no efforts to arrest him, (Mooney,) nor even made efforts to bury the murdered man. If it had not been for some negroes the man would not have been buried. The feeling against negroes is very bitter, and especially negroes that work on this railroad.

Very respectfully, your obedient servant,

CHAS. KELLER, JR.,
First Lieutenant, Second Infantry.

S. R. CRUMBAUGH,
*Second Lieutenant and Regimental Adjutant, Second Infantry,
Post Adjutant, Huntsville, Alabama.*

[No. 9.—Class first, 1869.]

CAMP DETACHMENT SECOND INFANTRY,
Cross Plains, Alabama, November 14, 1869.

LIEUTENANT: I have the honor to report that on the night of the 13th instant, two colored men named Scott Griffin and Dick Hays, living at Amberson Station, on the railroad, about three miles from here, were taken out of their houses and whipped with hickory switches, and one of them beaten on the head with a pistol, by a party of disigned men, about twenty in number. They also ordered another colored man to leave his house in a day, or they would kill him. These colored men came and reported these facts to me, and wanted the parties arrested. I gave them all the information I could how to procure a warrant for their arrest, and shall see that they procure one. I think, from the information I got, that a good number of the parties can be convicted.

I would also report that some time ago my camp was fired into, two shots being fired from a distance, and came near hitting some of the guard standing by the guard-fire.

Very respectfully, your obedient servant,

CHAS. KELLER, JR.,
First Lieutenant, Second Infantry, Commanding Detachment.

A true copy :

JAMES MILLER,
First Lieutenant, Second Infantry, Post Adjutant.

JAMES M. INGALLS,
First Lieutenant, Second Infantry, Post Adjutant.

[No. 1.—Class second, 1869.]

STATE OF ALABAMA, *County of Madison, ss :*

On this 15th day of June, 1869, personally appeared before me, a clerk of the circuit court in and for said county and State aforesaid, Dinah Williams, widow of Jesse Williams, a soldier who died in the United States service, a resident on Mr. Thomas Neara's plantation, three miles from Rogersville, Lauderdale County, Alabama, who, being duly sworn, deposes and says: Some time in the early part of May I was sent by the man for whom I am working to the spring to get water; after I left the spring with the water, and upon reaching where the hands were at work, a Mrs. Susan Perry come and accused me of stealing some soap she had left at the spring, which I denied doing; I told her I did not take it—you can search me; and then she said that she would not let any nigger bitch sass her, and if I did not shut up she would shoot me, having a gun in her hand at the time; the gun was cocked. I continued my work, and she said she would have me whipped; I heard from several of the other hands on the place

that Mr. James Perry, husband of the said Mrs. Susan Perry, told them that he would have me whipped. On Saturday night, the 12th instant, about midnight, while I was asleep in my bed in the house in which Alfred Bowen lives, I heard some noise which awoke me—some one knocking on the door of a house a little way off from the one I was in; I called to Alfred Bowen, saying the Ku-Klux are out there. I heard a voice calling to other parties saying, "Come here, the woman is here;" then some one knocked at the door and voices said, "Open this door;" after they had knocked awhile Alfred said, "Who is there?" some one replied, "Open this door, God damn you, or we will break it down;" then they wanted to know who was in the house. Alfred opened the door, and five men came into the house; they were covered with a white colored shroud, faces covered with yellow masks; I was up in the loft; two of the men came up in the loft, and one of them struck me with a gun on the side of the head, knocking me senseless; when I came to my senses they asked me what I was doing up there; I said, "You frightened me so, I ran up there;" they said come down here with us, and I followed them down. One of them put his gun to my breast, saying that if I did not go he would kill me. I followed them out four or five hundred yards from the house, and one of the men said, "What shall we do?" another said, "Lether go;" but another, whom I believe to be Mr. James Perry, and who acted as commander of the squad, said take her outside the gate, and said "Diana, come along." I said I would not go; this man said take her up and carry her out, then all of them struck me with sticks and took hold of me and carried me out of the gate. Putting me down they commenced to beat me over the head and back with sticks until I fell on the ground; then they said, "You go back home, and if ever you say anything about the Ku-Klux being here we will kill you." I believe that Mr. James Perry, Seteny and James Morris, Dennis Morris, Paison Barbee, and Bud N. Harkins, who did the act. They were all disguised.

her
DIANA + WILLIAMS.
mark.

JOHN H WAGER,
Agent Bureau of Refugees, Freedmen and Abandoned Lands.

A true copy :

JAMES MILLER,
First Lieutenant, Second Infantry, Post Adjutant.

[No. 2.—Class second, 1869.]

THE STATE OF ALABAMA, *Madison County :*

Personally appeared before me, Lewis M. Douglass, judge of probate, in and for said county, George Cornelous, who, after being duly sworn, states that on Saturday night, June 5, 1869, the Ku-Klux Klan, numbering twelve, came to the plantation upon which he was working, and took four guns off the plantation, and took eight guns from an adjoining plantation. They also examined all the houses for money, and asked if we knew who had guns, pistols, and money. And further says that there is not a colored man in the Big Cove that had a gun or pistol, they all having been taken by the Ku-Klux; and says that the plantation upon which he is working belongs to the Widow Waid.

his
GEORGE + CORNELOUS.
mark.

Subscribed and sworn to before me this 15th day of June, A. D. 1869.

LEWIS M. DOUGLASS,
Judge Probate Court.

A true copy :

JAMES MILLER,
First Lieutenant, Second Infantry, Post Adjutant.

[No. 3.—Class second, 1869.]

OFFICE PROBATE COURT, MADISON COUNTY, ALABAMA,
Huntsville, July 7, 1869.

SIR: It having come to my knowledge, in many instances, that depredations have been committed upon citizens of this county, and as I am made one of the conservators

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of the peace, by section 787 of the revised code of Alabama, and having become satisfied that the civil authorities in this county are insufficient to check the outrages upon its citizens, I most respectfully request you to send troops to those localities where depredations are and have been most frequently committed; deeming, in making this request, that it is the only means left by which quiet can be restored.

I remain, very respectfully, your obedient servant,

LEWIS M. DOUGLASS,
Judge Probate Court.

General CRAWFORD,
Commanding Forces United States in Alabama.

A true copy :

JAMES MILLER,
First Lieutenant, Second Infantry, Post Adjutant.

[No. 4.—Class second, 1869.]

THE STATE OF ALABAMA, *Madison County:*

Personally appeared before me, Lewis M. Douglass, judge of probate court, Daniel Vix, who, after being duly sworn, says that on Saturday evening, July 10, 1869, he was informed by one John Glass, another colored man, that J. M. Mahew was gathering a crowd of men together to attack his house and him, (Daniel Vix,) for the purpose of having a frolic with him, the said Vix, and steal or take his arms away from, and then sell them for whisky. And in pursuance of the foregoing information, the said Vix went up the mountain and secreted himself about two hundred yards from his house, but so that he could hear them at his house; and he, the said Vix, says that he has good reason to believe that J. M. Mayhew, Robert Arsbarn, and John Somner were part of the crowd of men, and that they were all in disguise, that attacked his house; and the said Vix further swears that he has not been back to his house at night since he was informed that he would be attacked by the men whose names are mentioned above, were engaged with others in the attack, and that he, the said Vix, is laboring under great bodily fear, caused by the demonstrations made against him on last Saturday evening or night. All of which is most respectfully submitted.

his
DANIEL + VIX.
mark.

Subscribed and sworn to before me this 12th day of July, A. D. 1869.

LEWIS M. DOUGLASS,
Judge of Probate Court.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 5.—Class second, 1869.]

SHERIFF'S OFFICE, MOULTON, ALABAMA, July 22, 1869.

KIND SIR: This is to inform you of the outrages that have been and are being perpetrated since October last in our county. There has been three colored prisoners taken out of our county jail, two executed and one set at liberty, by a party of disguised men; the one set free made an attempt to murder one of the most loyal citizens, and one who took an active part in the President's election. This freedman was, no doubt, prevailed on to murder this gentleman by this clique. This gentleman to whom I allude was Dr. William B. Irwin. He was confined to his room three or four months on account of the wounds received. We cannot, without being molested, have any public speaking, especially while being discussed by the republican party. In the month of April last there were six houses consumed by the torch, and women and children driven from their homes without permission to remove anything from their houses, especially if they were in possession of fire-arms or whisky, or anything of that kind. The wines, money, and fire-arms were always distributed among the disguised party. In the month of May last a man by the name of Sapp was hung by the neck with hickory bark until dead, by a disguised party. In the month of June a party, consisting of eight in number, was arrested and carried to jail to await their trial, and while in jail three of the number turned State's evidence, and a few days previous to the trial fifteen or thirty disguised men made a raid on the jail, for the purpose of releasing a part of the prisoners and executing the remainder, who had turned State's evidence; three of them have been arraigned and tried, and committed to jail, and were

sent to Limestone County to jail for safe keeping. On the 14th of this month a disguised party went and demanded the keys of the jail, and released the murderers and house-burners. We have many truly loyal citizens who wish to execute the laws, but are so intimidated by this Klan that they are afraid to express their sentiments or give aid to the sufferers. I do not think these are the original Ku-Klux Klan, but only assume their uniform to do their own mischief. Captain W. C. Garrett, the sheriff of the county, has endeavored his utmost to suppress this lawless band and enforce the law. This band of disguised men has been pressing horses into service while in pursuit of mischief. I have been acting as deputy sheriff since October last, and have ascertained that affairs get no better, but worse continually.

Yours, most respectfully and obediently,

JOSEPH LEE,
Deputy Sheriff of Lawrence County, Alabama.

General CRAWFORD,
Commanding United States Forces, Huntsville, Alabama.

A true copy :

JAMES MILLER,
Lieutenant Second United States Infantry.

[No. 6.—Class second, 1869.]

THE STATE OF ALABAMA, *Madison County:*

Personally appeared before me, Lewis M. Douglass, judge of the probate court in and for said county and State, James Sanford, who, after being duly sworn, depose and says, that about midnight on the night of the 24th day of July, A. D. 1869, a band of armed men, in disguise, came to my house and asked if a man named William Campbell lived on my place; I told them there was; they then asked if there was not a difficulty between myself and him; I told them that there had been, but that it was settled, and that there was no difficulty between us now; they said there was a difficulty between us that is not settled, meaning the disguised men, and then asked for water, and they left; the next morning a black man came to my house and told me that William Campbell had been killed that night by a band of disguised men, and that he wanted to get some lumber to make a coffin out of; I went to the house and found that the man had been shot three times, and was dead, and on that day he was buried. I also found a pistol cylinder that was broken, laying in the yard; the wife of the man who was shot says that there was about fifteen of the disguised men in the gang that did the shooting.

JAMES SANFORD.

Subscribed and sworn to before me this 26th day of July, A. D. 1869.

LEWIS M. DOUGLASS,
Judge of Probate.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 7.—Class second, 1869.]

HUNTSVILLE, ALABAMA, *July 29, 1869.*

I am the sheriff of Madison County, Alabama. I respectfully inform you that lawlessness prevails to such an extent in this county that armed forces are necessary to suppress violence. Murders are perpetrated by armed bands of disguised outlaws, and without the aid of armed men I cannot arrest the perpetrators or execute process. I ask for such force as you can give me, mounted, for the purposes stated above.

JOS. P. DOYLE, *Sheriff.*

I further ask that you distribute your troops in such numbers as you can spare at Meridianville, Maysville, and Madison Station, in this county, also at Newmarket, and his request to exist until order is restored.

JOS. P. DOYLE, *Sheriff.*

General S. W. CRAWFORD,
Commanding Post at Huntsville.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 8.—Class second, 1869.]

THE STATE OF ALABAMA, *County of Madison* :

Before me, James H. Bone, clerk of the city court of Huntsville, county and State aforesaid, personally appeared E. M. Mulligan, who, being duly sworn, saith that he was employed to teach a colored school near New Market, in said county of Madison, and that he opened said school Monday, 26th July, 1869; that about 8 o'clock Wednesday night following, he, while sitting in the house with the family with whom he was boarding, heard a noise as if some one was blowing a whistle, and remarked to them, "Don't that sound like a Ku-Klux whistle?" and stepped to the door and saw about four or five disguised men ride up to the gate in front of the door, (they had three or four colored men with them as prisoners;) the disguised men dismounted, holding pistols in their hands pointed toward me, and walked up to the door, cursing and swearing, and demanding all the guns or pistols in the house. I said, "We have no arms;" they said, "God d—n you, you have arms; we will kill every God d—d one in the house if we did not give them up instantly; that they expected to kill three or four negroes, and whip as many more to death, before morning;" they swore that Saturday night before they whipped a white man nearly to death; they then ordered me to go with them, cursing me all the time, saying, we will make you tell where your pistols are, or we will break your neck and stop your damned school; we do not intend that any schools shall be organized, or allow any school-teachers to stay or live in this portion of the country. They took me and the three other men about three-quarters of a mile, to the residence of Coleman Kelley, and there demanded all arms he had, saying if he did not deliver them up instantly they would kill him; one of the women at Kelley's said there was no arms there; they ordered her not to speak again or they would give her five hundred lashes; the woman then slipped out of the house. As soon as the disguised men missed her from the room they demanded to know of said Kelley where the woman had gone. He answered and said, "I do not know." They then told Kelley he was a God d—d liar, and we will whip you to death if you do not tell us where she has gone. They then stripped the clothes from Kelley's person; forced him down on his belly, and beat him on the bare back with a gun-rod; said rod was iron-tipped. They then turned to me and said, "Come up here, you God d—d school-teacher, it is your turn next." I then sprang away from them, and as I ran they fired two shots at me, the shot and bullets passing over my head, but near me. They also said that there was fifty men only a short distance in the rear.

E. M. MULLIGAN.

Sworn and subscribed to before me this 30th July, A. D. 1869.

JAS. H. BONE, *Clerk*.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 9.—Class second, 1869.]

B.

STATE OF ALABAMA, *County of Madison*.

On this 4th day of August, 1869, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, Mary Campbell, of the county of Madison, State of Alabama, who, being duly sworn, deposes and says that on Saturday night, the 24th day of July, 1869, while she and her husband, William Campbell, were asleep in their bed in a house on the plantation of Mr. James Sanford, we were aroused from sleep by the report of a pistol-shot and I saw that my husband had been shot in the left side; I saw the blood running out of his side; it ran on my clothes; he cried out, "Oh, Lord," and I saw six or seven men in the room around our bed, which was on the floor; they had their faces covered over with black masks and their bodies were covered with black gowns. These men said, "You are the damned rascal who has been keeping up all the fuss in the Cove," and one of them reached around me and shot my husband in the side of the head with a pistol-ball. They told my husband to get out of the room, saying, "Go out of this room, God damn you; you are the one that has been keeping up all the fuss in the Cove." He went out with them and leaned against the fence, and I saw and heard some three or four of them shoot at him. I was hit in the small of his back by one of the shots; he fell on the ground and the men shot at him again while he was lying on the ground. I saw some others outside of the yard, about three or four that I could see after they had fired the last shot. One of them said, "Come, let's go," and they left. I helped to carry my husband in

the house and found that he had been shot some six times; he died in about an hour after he was shot. I am about seven months with child. I could not tell any of the men. I further swear that about three weeks before that, on a Sunday morning, Mr. James Sanford came down to our house; I was not there when he first came in; was at my brother's below it and I saw he had a pistol in his hand. Then I went to my house; my husband was sitting in a chair but set leaning against the house near the door. Mr. James Sanford was leaning against the fence around the grounds on which our house is situated. He had in his hands a pistol resting on the top of the fence, pointed toward my husband. He accused my husband of stealing his chickens, which my husband denied doing. Mr. James Sanford wanted him to pay for the chickens; my husband refused to do so. Then Mr. James Sanford said if he did not he would shoot his infernal black heart out of him. He continued to curse and abuse my husband. When I got to my house I sat down in the door-way and my child was by my side. Mr. James Sanford told me to take my child away from there, that he did not want to shoot the child. I took my child in the house; then my husband told him he would come to town and report him for saying he would take his life, and for drawing his pistol over him. Mr. James Sanford said if he did come here and report it he would have to leave the county. Mr. Sanford left for his house; my husband left our house Sunday evening for town to report what Mr. Sanford said.

her
MARY + CAMPBELL.
mark.

Witnesses:

JOHN LEE ROGERS.

JOHN H. WAGER.

Sworn and subscribed to before me this 4th day of August, A. D. 1869,

JAS. H. BONE,
Clerk Circuit Court.

I hereby certify that the foregoing affidavit was carefully read to the affiant before she signed her name by making her mark.

JAS. H. BONE,
Clerk Circuit Court.

[No. 10.—Class second, 1869.]

E.

CAMP NEAR GUNTERSVILLE,
Alabama, August 4, 1869.

SIR: For the information of the brevet major general commanding the post, I have the honor to inclose a sworn statement of a colored man named Isham Henry. He did not like to swear before a magistrate for fear of his life. I therefore took down his statement, and made him make affidavit to it. He states that bodies of men, armed and masked, have passed and repassed his house very frequently during the past two weeks, and that their object was to intimidate colored people from voting, unless they would vote the democratic ticket, and I have learned that ten out of the sixty-odd colored men who voted in this town, on the second, were influenced to do so by those night-prowling vagabonds.

The sheriff I have not seen for a month.

I am, sir, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,
Captain Second Infantry, Brevet Major, U. S. A., Commanding the Camp.

Lieutenant JAMES ULIO,
Second Infantry, Post Adjutant, Huntsville, Alabama.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

Statement of Isham Henry, (colored.)

In the month of March last six men came to my house; they were all masked; two of them wore scarlet stockings; they took me from my house to the road, made me strip, and gave me ten lashes.

On the 2d of August, 1869, three men (masked) came to my house; they made me

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give them my gun, (army rifle;) the gun was again returned me with the question, "Is it loaded?" I was made to fire it off; they then cocked and presented their fire-arms at me, saying, "Take your gun and break it on that log," (meaning a log near by,) "or we will shoot you." To save my life, I broke the gun.

I did not dare to go to vote yesterday, for fear that on my return I would get killed. One of the men who made me break my gun I recognized as a neighbor, a white man named Jesse McGee. The others I did not recognize.

his
ISHAM + HENRY.
mark.

Sworn to and subscribed before me this 4th day of August, 1869, at Guntersville, Alabama.

GEO. H. McLOUGHLIN,
Captain Second Infantry, Brevet Major, U. S. A., Commanding Camp.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 11.—Class second, 1869.]

F.

STATE OF ALABAMA, *County of Madison :*

On this 7th day of August personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, Samuel Mastin, resident on the plantation of Mr. Frank Mastin, three miles from Huntsville, Alabama, Madison County, State of Alabama, who, being duly sworn, deposes and says that Sunday night, 18th July, 1869, while I was asleep in my house, I heard some persons knocking at my door, and said for me to open my door, which I did. I found there one of my fellow-servants, Henry Johnson, and two men dressed in disguise, a black gown on, their faces were masked. They said, "I want your gun;" which I got and gave to them. They said, "All right, Sam, you shall not be hurt." Then they left my house, carrying my gun with them. They also took a double-barrel gun from Washington Pope, and a watch from Tom Mastin. There was another man holding the horses.

his
SAMUEL + MASTIN.
mark.

Witnesses:

JOHN LEE ROGERS.
JOHN H. WAGER.

Sworn to and subscribed before me this 7th day of August, 1869; and I certify that the foregoing affidavit was carefully read to the affiant before signing his name by making his mark.

JAS. H. BONE,
Clerk Circuit Court.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 12.—Class second, 1869.]

Affidavit of Moses B. Sullivan, Marshall County, concerning Ku-Klux outrage. [See appendix to testimony of A. S. Lakin, page 146.]

[No. 13.—Class second, 1869.]

On the 23d day of August, 1869, I was returning from my brother's to where I live, about two miles and one-half from Deposit, toward Vienna, two men met me on the road; one of them was white, the other a mulatto. I believe that the white man's name was Benjamin Evans, the colored man's name was Bob Ice. The white man

cocked his rifle and fired at me, the ball passing through my thigh. I never gave the man any provocation to shoot me.

HENRY ^{his} + RIVERS.
mark.

Witness: MILTON G. YOUNG.

Sworn and subscribed before me, an officer of the United States Army, at Shanrult plantation, near Paint Rock, this 25th day of August, 1869.

GEO. H. McLOUGHLIN,
Captain Second Infantry, Brevet Major, U. S. A.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 14.—Class second, 1869.]

On the 21st of August, 1869, I had a warrant, and tried to arrest on it W. M. Evans, John Evans, (white,) Robert Ice, (colored,) Burgers Finnell, and Greene Horton, (colored.) I arrested Finnell and Horton. I also arrested W. M. Evans, but he succeeded in getting away. The warrant for arrest was issued against the above-named men for disguising themselves, and going to the house of N. Stevens, (my father,) and forcibly taking from him a shot-gun. On Monday last, the 23d of August, I summoned about twenty men as a *posse comitatus*, (they were white and black,) and tried to arrest W. M. Evans (white) and Bob Ice, (colored.) They were at Squire Bronson's, at Wild Goat Cove. I surrounded the house, but they broke and run out the back part of it, accompanied by Ben Evans, his brother. They were halted by a colored man (one of my posse) named Elliott Cotrell, when L. A. Bronson leveled his gun and fired at Cotrell, wounding him slightly. Cotrell and others then fired, shooting W. M. Evans in the arm. The parties then got away, and up to this date I have not succeeded in arresting them. All of this was at Wild Goat Cove, near Fearn's Ferry, Alabama.

W. C. STEPHENS.

Witness: O. H. MORROW.

Sworn and subscribed to before me, an officer of the United States Army, at McClung's Spring, Alabama, August 26, 1869.

GEO. H. McLOUGHLIN,
Captain Second Infantry, Brevet Major, U. S. A.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 15.—Class second, 1869.]

STATE OF ALABAMA, *County of Madison, ss:*

On this 1st day of September personally appeared before me, a judge of probate court in and for the county and State aforesaid, Nathan Meeks, resident of Huntsville, Madison County, State of Alabama, who, being duly sworn, deposes and says that on the night of the 31st of August, 1869, as I was returning from work, to my home in the northwest part of the city, (across the railroad, on Holmes street, my house is situated,) about 8 p. m., as I was going from the bridge to cross the railroad on Holmes street, I saw on the street four young men, whom I recognized to be Samuel Clark, John Hardy, William Allen, and James Scruggs. Samuel Allen had under his arm a large black oll; after I had passed them I felt uneasy, fearing that they were there for no good purpose; when I reached my home I was still worried, and as the Ku-Klux had been to my house once before, broke into my house and took my gun, breaking my gun—this occurred about ———, 1869; I thought I had not better stay there—so, after drinking a cup of coffee, I went out of my house, crossing the street opposite the door of my house; I laid down in the grass; I had been there about two hours when I saw four men walking from the eastern part of the city toward my house; these men I saw wore sack gowns on their persons. As they came to the front of the house my dog ran to the fence barking at them; one of these men shot his pistol off at my dog; I saw him aim it at him and shoot; they then opened the gate and went into my yard, up to my house; knocked at the door; it not being opened, they commenced kicking the door open, when I fired my pistol at them; after they got the door open they all went in

the house, staid there about five minutes, and when they all come out of the gate together two walked on the railroad toward the depot. I, from their voices, and from what I saw afterwards, believe them to be John Hardy and William Allen; one other of them went up the railroad, that is west, and from his voice and actions I believe him to be James Scruggs. The other one, the fourth one, I followed him to Mr. Clark's, westward, on the opposite side of my house; he got over the fence at the side of the lot, and raised the window at the side of the house, and got into the house that way, and I heard him walk through the house, up the stairs, and into a room. He had on when he went into the house a black gown, but when he came to the window to pull down the curtain I recognized him to be Samuel Clark; before he came to pull the curtain down he turned up the light in the room, and I was able to fully recognize him; then he had no disguise on. When these men were in my house I heard them ask my wife where I was; they said, "Where is Nathan?" She said, "I do not know where he is." "Damn you, I want you to tell me where he is, and if he has got any arms we mean to kill him, damn him."

his
NATHAN + MEEKS.
mark.

Witnesses:

JOHN H. WAGER.
JUSTIN RONAYNE.

Subscribed and sworn to before me this 1st day of September, 1869, and I certify the affiant heard the foregoing carefully read before signing his name by making his mark.

LEWIS M. DOUGLASS,
Judge of Probate.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 16.—Class second, 1869.]

STATE OF ALABAMA, *County of Madison, ss:*

On this 2d day of September, 1869, personally appeared before me, Lewis M. Douglass, a judge of probate in and for the county and State aforesaid, Jack White, resident of Huntsville, Madison County, State of Alabama, who, being duly sworn, deposes and says that on the night of the 31st of August, 1869, I was aroused from sleep by some persons pounding against my door, and a voice saying, "Get up and open the door." I replied, "I cannot get up and open the door at this time of night." The voice said if I did not they would break it down. I did not open it, and they bursted it open. Two men came into my room; their faces and heads were covered with black cloth. They said, "Give us your pistol," coming to my bed-side, pointing their pistols at me. I gave my pistols to one of them; from his voice and what I saw of his face and beard I believe him to be John Hardy. As I gave it to him I said, "Mr. Hardy, I know you, sir; I have never done you any harm, and you should not take my pistol from me." I believe the other man to be William Allen. I saw three other men outside, in front of my door; they had masks on their faces. As soon as they got my pistol they went out of my house, and I saw them striking Tom Hawkins, who lives with me; he went out of the house when the two men came in, and they beat him, saying, "You are going to run."

his
JACK + WHITE.
mark.

Witnesses:

JOHN H. WAGER.
WM. A. McDONALD.
JOHN G. BLACKWELL.

Subscribed and sworn to before me this 2d day of September, 1869; and I hereby certify that the foregoing affidavit was carefully read to the affiant before he signed his name by making his mark.

LEWIS M. DOUGLASS,
Judge of Probate.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 17.—Class second, 1869.]

VIENNA, ALABAMA, *September 18, 1869.*

DEAR SIR: We, the undersigned, citizens of Vienna and vicinity, in view of the existing state of affairs in Marshall County, adjacent to this section, to wit, the murders and other outrages that have recently been committed in said county, and threats of violence upon this place and vicinity, thereby rendering life and property insecure, and having a desire for peace, order, and quiet, do respectfully petition you to send a sufficient force of United States soldiers to this place immediately.

Very respectfully,

| | |
|---------------------|--------------------|
| Robert W. Peevy. | J. H. Alehley. |
| A. Whited. | B. A. Nowlin. |
| J. W. Grayson. | Joseph W. Grayson. |
| D. W. Parker. | F. M. Stone. |
| Wm. J. Wallace. | F. T. Butler. |
| Lot. S. Ledbetter. | E. C. Lusk. |
| James Latham. | James W. Allison. |
| J. M. Ledbetter. | Jacob Owens. |
| James Edge. | Henry Wann. |
| James L. Ledbetter. | G. L. T. Lusk. |
| H. B. Gabor. | John T. Haden. |
| J. G. Ellett. | Louis Vann. |
| W. D. Collins. | T. M. Fennell. |
| Isaac D. Wann. | J. B. Dickey. |
| S. M. Nabors. | Joseph A. Haden. |
| R. E. Cochran. | W. P. Lisk. |
| S. W. Kennemore. | B. F. Walker. |

Major General CRAWFORD,
Commanding United States Forces at Huntsville, Alabama.

A true copy :

L. R. CRUMBAUGH,
Second Lieutenant and Adjutant Second Infantry, Post Adjutant.

[No. 18.—Class second, 1869.]

TERRAPIN CREEK, CLEBURNE COUNTY, ALABAMA,
September 20, 1869.

Commanding Officer United States Troops, Edwardsville, Alabama :

We, the undersigned, would respectfully ask that the troops be brought into this neighborhood. The Ku-Klux are continually threatening Union men in this community, and will carry their threats into execution against those Union men who shot into them, and then Union men cannot live in the country unless protected by United States troops. The troops are twenty miles from here, and all the Ku-Klux who commit these outrages in this neighborhood live in Calhoun County, or near the line; and if the troops were near here, these Ku-Klux who have warrants out against them can be arrested in the night, without them knowing that the soldiers or arresting-officers were near them. Cross Plains, in Calhoun County, is on the railroad, and is the nearest point to where the outrages have been most frequently committed.

| | |
|--------------------|------------------|
| C. M. WHEELER. | ELI B. HATFIELD. |
| G. WHEELER. | E. W. BOWNING. |
| J. A. WHEELER. | J. B. CAMP. |
| R. H. WHEELER. | W. J. ELKINS. |
| M. L. HATFIELD. | JOHN WHEELER. |
| HANSFORD HATFIELD. | A. H. WILKINS. |

I would suggest that the within petition is entitled to consideration, and that the proposed change of the United States troops from Edwardsville to Cross Plains is necessary under existing circumstances.

W. R. HUNNICUTT,
Judge of Probate, Cleburne County, Alabama.

[Indorsement.]

CAMP DETACHMENT SECOND INFANTRY,
Edwardsville, Alabama, September 25, 1869.

Respectfully forwarded, suggesting that the move, if ordered, be ordered before the end of the month, as it will save the expense of hauling rations to this place from the railroad; and I believe the within application to be well founded in fact.

CHAS. KELLER, JR.,
First Lieutenant Second Infantry, Commanding Detachment.

[No. 19.—Class second, 1869.]

MONTE SANO, *September 22, 1869.*

MY DEAR GENERAL: Inclosed I send you a distressing letter from Wild Goat Cove, which I trust you can decipher. I write to add my earnest solicitations to the applications for troops sent you from the Vienna district. The negroes on my place send me word by the messenger bringing Mr. Furgeson's letter to tell them what to do. In your reply, which I would forward to them, I would like to assure them of protection to themselves and property. We need not look to State authority for it. All good men, white or black, will welcome the United States forces, and feel secure in their neighborhood. They are powerless to protect themselves from assassins, and our section is fast lapsing into anarchy. If not already sent forward, I beg of you to locate one company, at least, in our place. I regret that I am unable to come down, being confined by sickness.

Sincerely, yours,

ROBT FEARN.

Major General CRAWFORD,
Huntsville, Alabama.

[No. 20.—Class second, 1869.]

STATE OF ALABAMA, *County of Madison:*

On this 23d day of September, 1869, personally appeared before me, clerk of city court of Huntsville, in and for the county and State aforesaid, John Leslie, resident on the Bolling place, two miles from Cluttsville, Madison County, State of Alabama, who, being duly sworn, deposes and says that on Sunday morning, the 12th of September, I was, with other colored people, attending preaching at the Widow Bland's, when our services were broken up by five men dressed in disguise riding into the grove where we were holding our meeting, pointing their pistols at us saying, "We will give you all ten minutes to get away from here; we are going to stop this nigger preaching; there shall not be any more under two months;" and we all left. At the same time there came from the opposite side some five or six white men, not disguised, but armed. I asked two of them whether we could not hold our meetings there. Mr. Coon Williamson and one Alfred Clutcher said they had nothing to do with it, and were not the men. On the following Monday night, the 13th of September, about 9 o'clock, I think, as I stepped from my house into the yard, I saw over twenty men disguised riding up to the fence; they came through the gate into the yard. When I saw them I ran away, upon which they called upon me to halt, but I continued to run and they fired eight shots at me. I ran into the woods and staid there till near daylight. On my return home I learned that they had left after shooting at me, but they or another party returned about midnight, broke open the door of my house, searching all over the house for guns; they hit my wife in the face, took my son, who is thirteen years old, out of the house into the road, made him take off his shirt, beat him with switches, and carried off a gun he had borrowed from a neighbor. I am afraid to stay there from threats made by this band of disguised men against my life.

his
JOHN + LESLIE.
mark.

Witness: JOHN G. BLACKWELL.

Sworn and subscribed to before me this 23d day of September, 1869, and I hereby certify that the foregoing was carefully read to the affiant before he signed his name by making his mark.

JAMES H. BONE,
Clerk City Court of Huntsville.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 21.—Class second, 1869.]

STATE OF ALABAMA, *County of Madison, ss:*

On this day, 27th of October, 1869, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, William Blair, late of Limestone County, now a resident of Madison County, State of Alabama, who, being duly

sworn, deposes and says that on or about the night of the — of December, 1868, I was asleep in bed and was aroused from sleep by some parties breaking down the door of the house. Two men came toward my bed; one caught me by my right arm saying, "Get up and come with me; we want to see you." I not moving at once, one of them hit me on the head with a pistol. I then got up and followed them out of the house. I saw nine men outside; in all eleven men. Those men had on white gowns, but their faces were not masked. The two men who came into the house and made me follow them I recognized to be Ruff Wray and Dick Hines, and the other men outside of the house I recognized to be Bunk and Poney Hines, Dave Friend, Bill Northern, Hugh, George, Cube, and Sim Hudson, and James Henry Cox. As soon as I got out of the house these men surrounded me and beat me on the head with their pistols. Some of them said, "Keep Jim Henry back, or he will cut his throat." This man Jim Henry Cox ran up toward me with a knife in his hand and struck at me with it over the heads of the other men. Two men, Dick Hines and Ruff Wray, held me by the arms all the time; they dragged me some distance from the house. When about one hundred yards, this man Jim Henry Cox was behind me sticking me in the back and legs with a knife. I called to them, stating he was cutting me with a knife. They said, "You are a damn liar; come on." He did not cease sticking me with his knife. They carried and dragged me about fifty yards further, and they took all my clothes off of me, and commenced beating me with sticks; some beat me, some choked me, and others sticking and cutting me with their knives. I could not tell who the parties were; I mean I could not distinguish one from the other. They laid me down on the ground, and held me there with my face to the ground; they cut my legs, arms, and back, with their knives; across the other way they cut deep gashes crosswise; they split open my feet with their knives and cut deep gashes in my thighs and calves of my legs, first up and down, and then across. After they had done beating me they told me to stand up, but I could not, from weakness caused by loss of blood from the cuts they gave me in the back, legs, and arms; then two of the men held me up, and some of them knocked me down by hitting me on the head with their pistols. I have been confined almost all the time to my bed, under medical treatment, since, and now am not able to do any work to support myself, and I am still under medical treatment. I am not able to travel any distance. I was beaten and cut in this way while living with my father on the plantation owned by Mr. John Floyd, in Limestone County, State of Alabama. They told me to go home and tell my father, old Gus, if he did not leave they would return and kill all and burn up the whole plantation; that they would kill all of Gus's family if they were there two weeks longer.

WILLIAM ^{his} + BLAIR.
mark.

Witnesses:

JUSTIN RONAYNE.
JOHN H. WAGER.

Sworn and subscribed to before me this 27th day of October, 1869; and I hereby certify that the foregoing was carefully read to the affiant before he signed his name by making his mark.

JAS. H. BONE,
Clerk Circuit Court.

OFFICE OF THE CLERK OF THE CIRCUIT COURT,
Huntsville, Alabama, November 5, 1869.

I hereby certify that the above and foregoing is a true and correct copy of original affidavit made in this office October 27, 1869.

JAS. H. BONE, *Clerk.*

1206 CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Index of civil documents for 1870.

CLASSIFICATION.

Class first.—Reports by officers, with appended documents.

Class second.—Application for military aid, affidavits, statements, &c., from civilians.

CLASS FIRST.—Reports by officers, with appended documents.

| No. | Date. | Writer. | Purport. |
|-----|------------------|--|--|
| 1 | 1870. Jan. 12 | S. W. Crawford, colonel Second Infantry, brevet major general. | Letter to assistant adjutant general, Department of the South, forwarding documents A, B, C, and D, regarding disturbances in Blount County. |
| 2 | Jan. 20 |do | Appended letters from A. S. Lakin, A. B. Watson, William Shepard, and F. W. White. Letter to assistant adjutant general, Department of the South, in regard to civil affairs. |
| 3 | Mar. 3 | Lieut. P. H. Flood | Appended letter of J. W. Haralson in regard to civil affairs in Blount County, requesting troops, &c. |
| 4 | Mar. 5 | Lieut. Charles Harkins | Reports result of investigation of disturbance at Stevenson, Alabama. |
| 5 | Mar. 30 | S. W. Crawford, colonel Second Infantry, &c. | Reports result of investigation of disturbance at Somerville, Alabama. |
| 6 | April 13 | Lieut. Charles Harkins | Reports regarding state of affairs at Jacksonville, Calhoun County. |
| 7 | April 21 |do | Reports result of investigation into the murder of Samuel Boyd, late solicitor of Green County, Alabama. |
| 8 | June 29 | Capt. McLoughlin | Appended statements of Sheriff Cole, A. A. Smith, circuit clerk S. B. Bown, county assessor, copy of testimony before and proceedings of coroner's inquest. |
| 9 | July 12 | Lieut. Gallagher | Reporting cause of disturbance at Eutaw, Alabama. |
| 10 | July 20 | Capt. McLoughlin | Report regarding disturbances at Stevenson, Alabama. |
| 11 | July 31 |do | Report regarding disturbances at Ashville, Alabama. |
| 12 | Aug. 18 |do | Appended affidavit of Charles A. Ritchey. Reports regarding outrage on J. McMannan. Reports that his camp has been fired on. |
| 13 |do |do | Civil law a dead letter, ex-union soldier living in his camp for protection. |
| 14 | Aug. 15 |do | Appended affidavit of Colemay Smith. |
| 15 | Aug. 20 | Lieut. Bateman | Reports regarding state of affairs at Ashville, Alabama. Appended letter from Judge DeBerry requesting that the town be placed under martial law. Affidavit of William Starkey concerning Ku-Klux outrages. |
| 16 | Aug. 20 | Capt. McLoughlin | Reports regarding state of affairs in Saint Clair County. |
| 17 | Oct. 24 | Lieut. Bateman | Reports the shooting of Mr. Springfield. |
| 18 | Oct. 30 |do | Reports regarding fight between negroes and disguised men at Courtland, Alabama. |
| 19 | Nov. 20 | Capt. McLoughlin | Appended statement of Mr. Baker; joint statement of Messrs. Foster, H. Baker, Mr. Phalen, and Mr. Simmons. Diagram of scene of action. Reports regarding the murder of Mr. Harrison. Reports regarding disturbances in Fayette County, Alabama. Reports action in assisting civil officers. Appended affidavit of F. M. Treadaway, sheriff of Fayette County, Alabama. Reports the shooting of Jessie Ingram. |

CLASS SECOND.—*Application for military aid, affidavits, statements, &c., from citizens.*

| No. | Date. | Writer. | Purport. |
|-----|---------|--|---|
| | 1870. | | |
| 1 | Jan. 8 | Judge Haralson..... | Applies for troops for DeKalb County, Alabama. |
| 2 | Jan. 15 | Anonymous..... | Regarding Ku-Klux outrages at Summit, Alabama. [Omitted.] |
| 3 | Feb. 26 | S. Lawler and R. Barber. | Affidavit regarding disguised men. |
| 4 | Feb. 26 | Anonymous..... | Regarding Ku-Klux outrages, requesting a guard, or arms and ammunition. [Omitted.] |
| 5 | Feb. 28 | Frank Bell..... | Affidavit regarding Ku-Klux outrages. |
| 6 | Feb. 28 | James Bell and Joshua Harris. | Do. |
| 7 | Mar. 31 | H. G. Thomas, sheriff.. | Reports that he must resign or suspend business. |
| 8 | June 24 | C. Hayes, member of Congress. | Letters regarding murders, &c., in Sumter, Greene, and Tuscaloosa Counties, Alabama. |
| 9 | July 10 | Judge DeBerry..... | Requesting troops for Saint Clair County, Alabama. |
| 10 | July 12 | E. G. Barney..... | Requesting at least 100 troops for Patona, Alabama. |
| 11 | July 12 | W. S. McElwain..... | Requesting troops for Patona, Alabama. |
| 12 | July 14 | J. McMannan..... | Affidavit regarding outrage on him. |
| 13 | July 19 | A. D. Bailey, C. I. Sharp, E. L. Hesterby. | Statement concerning disturbance at Crosse Plains, Alabama. |
| 14 | Sept. 2 | S. Crawford..... | Requesting garrison for Stevenson, Alabama. |
| 15 | Oct. 15 | Lucinda Ford..... | Affidavit concerning Ku-Klux outrage. |
| 16 | Oct. 15 | D. L. Dalton..... | Forwarding letter of W. B. Bowen. Appended letter of W. B. Bowen concerning firing upon colored congregations. |

[No. 1.—Class first, 1870.]

HEADQUARTERS, HUNTSVILLE, ALABAMA,
January 12, 1870.

COLONEL: Inclosed I have the honor to forward documents A, B, C, and D, reporting disturbances in Blount County, Alabama, and the urgent request of the citizens for protection.

I have long been of the opinion that a detachment of troops should be stationed in Blount County, and would have sent them there under the general instructions which have heretofore guided my action, but there is no disposable force whatever at this post at present, and I am unable to send any detachment to Blount County.

I would respectfully draw the attention of the commanding general to the communication of the Rev. Mr. Lakin, a Methodist clergyman, whose opportunities for observation have been, and are, better than those of any other single observer.

This section has been until now entirely quiet, but disturbances are beginning again at various points, and I have no force to send in aid of the civil authorities.

I would recommend that a detachment of twenty-five men and two officers be sent to Blount Springs to protect the loyal and law-abiding citizens of that section.

Very respectfully, your obedient servant,

S. W. CRAWFORD,
Brevet Major General, Commanding.

Colonel JOS. H. TAYLOR,
Assistant Adjutant General.

Mr. White is pastor of Village Spring circuit, and superintendent of public instruction in Blount County.

Mr. Watson is presiding elder of Elyton district of the Methodist Episcopal Church.

A.

HUNTSVILLE, ALABAMA, January 11, 1870.

DEAR SIR: Having recently returned from a six weeks' tour in the counties of Jackson, De Kalb, Etowah, Blount, Marshall, and Morgan, I take the liberty to state that in portions of all these counties disguised and armed men are constantly raiding, robbing, whipping, and in Blount County assassinating Union men. In Blount there is a perfect reign of terror; Union men are hunted, waylaid, warned to leave the county, several of whom are now refugees from home and family; others are "lying out." All are armed and ready for defense, and but few dare leave their houses at night; the bark of a dog, the sound of foot-fall, is an occasion of alarm. I have private letters from men of standing, also personally from the solid men of the county, urging me to use my influence with the commandant of the post (yourself) to send troops to

Blount County at once. The people have appealed to the civil authorities in vain. The probate judge, Wesley More, and his father-in-law, Oscar Murphy, sheriff, and other officials, are all in sympathy with the Ku-Klux Klan, if not of them. They now appeal to the military as a last resort, and only hope for protection. If this appeal is unheeded they will be driven to take the law in their own hands.

From personal observation, and men of the first standing in the county, I am decided in the opinion that troops ought to be sent at once to Blount County, and prevent isolation and further bloodshed.

I assure you, general, this appeal is a most painful task, but I feel that I would be culpable in the eyes of all good and honest men, knowing these facts and keep silence.

I have the honor to be, yours, most sincerely,

A. S. LAKIN.

General S. W. CRAWFORD,
Huntsville, Alabama.

A true copy of the original.

S. W. CRAWFORD,
Brevet Major General, U. S. A., Colonel Second Infantry, Commanding.

A true copy :

JAS. M. INGALLS,
First Lieutenant, Second Infantry, Post Adjutant.

B.

BLOUNT COUNTY, ALABAMA, *December 26, 1869.*

DEAR BROTHER: I understand that you have \$100 in your hands of missionary money. The appropriation made to the Village Springs circuit is not enough to support him, owing to the rent made in the work. I wish you to write to Bishop Simpson, requesting him to grant to Brother White \$100 more for his support. Please to attend to this, if you please, as soon as possible.

A. B. WATSON.

Mr. A. S. LAKIN.

Mr. A. S. LARKIN: Please assist Brother White in getting the requisition of some troops for Blount County to preserve the peace of the county. There are a great many threats circulating through the county, and we must have help if we can get it. Please attend to it as soon as possible.

A. B. WATSON, *Presiding Elder.*

P. S.—Answer in haste. I need your help.

T. W. WHITE.

A true copy of the original forwarded on the 13th instant.

S. W. CRAWFORD,
Brevet Major General, U. S. A., Colonel Second Infantry, Commanding.

A true copy :

JAS. M. INGALLS,
First Lieutenant, Second Infantry, Post Adjutant.

C.

HUNTSVILLE, ALABAMA, *January 1, 1870.*

DEAR SIR: I have been here nearly two weeks, and I cannot leave until I see you. The loyal men of Blount County are becoming discouraged. If any people have submitted to wrongs and injuries, they have. I appear here as the representative of suffering and oppressed people seeking relief and assistance at your hands; and extreme and extraordinary necessity compels me to urge a speedy conference with you. As all of it will necessarily have to be gone over again, I will not trouble with the details. I can generally be found at the office of Judge Douglass. A speedy compliance will confer a very great favor on others as well as myself.

Most respectfully,

WILLIAM SHEPARD.

General CRAWFORD, *Commanding at Huntsville.*

A true copy of the original forwarded to headquarters of the department on the 13th January.

S. W. CRAWFORD,
Brevet Major General.

D.

BALM, ALABAMA, *January 11, 1870.*

BROTHER LAKIN: I was coming to see you, but the weather is so bad I cannot come. Please go to the land-office and find if the southeast quarter of southwest quarter of section 18, of township 14, of range 1 west, has been entered, and if it has been, by whom, as we have a church-house on it. The Church South is trying to get the house by entering us out. The house has been there for years, and the party that left us is doing the work of the smutty devil. I was coming to get troops for this county. My life is in danger. The Ku-Klux came near getting me last week. I go when I please. Excuse my hand; it's cold.

F. W. WHITE.

A true copy of the original forwarded to department headquarters on the 13th instant.

S. W. CRAWFORD,
Brevet Major General, U. S. A., Colonel Second Infantry, Commanding.

A true copy:

JAS. M. INGALLS,
First Lieutenant, Second Infantry, Post Adjutant.

[No. 2.—Class first, 1870.]

MONTGOMERY, ALABAMA, *January 20, 1870.*

COLONEL: Inclosed I have the honor to transmit a communication from Judge W. J. Haralson, of the fifth judicial district of this State, in reference to Blount County.

After a conversation with his excellency the governor of the State to-day, he requested me to state to the commanding general of the department that he would offer no obstacle to the removal of the troops from Tuscaloosa, and that he would be glad, if consistent with the view of the department commander, should they be sent to Blountsville, Blount County. The distance by road is about ninety miles, and I am informed it is a fair road.

The governor thinks that a force in Blount County would be sufficiently near Tuscaloosa to exercise a restraining influence. He, however, is determined, upon a repetition of the disturbances and the violation of law which prevailed last year in that section, to have recourse to the militia of the State.

A force at Blountsville would have to be supplied by way of Gunter'sville, Tennessee River.

Very respectfully, your obedient servant,

S. W. CRAWFORD,
Colonel Second Infantry, Brevet Major General, U. S. A.

Colonel JOS. H. TAYLOR,
Assistant Adjutant General, Department of the South.

A true copy:

JAMES MILLER,
First Lieutenant, Second Infantry, Post Adjutant.

MONTGOMERY, ALABAMA, *January 20, 1870.*

DEAR SIR: Upon information which I derived from Blount County, in this State, and which I deem entirely reliable, I am constrained, under a sense of duty to the country, to call on you to assist the civil officers by an adequate force to execute the law in that locality.

I am informed by the Hon. George White, a member of the legislature from that county, that he is in apprehension of danger to himself personally if he ventures to return to his home in that county. He did not return during the recess of the legislature. I am also informed by Mr. White, the superintendent of the public schools in that county, that he could establish one or more schools for the benefit of the children of freedmen, but he is afraid to do so himself, and the same considerations of fear would prevent him from procuring teachers.

I have implicit confidence in the statement of Mr. White; he is a minister of the Gospel in the Methodist Episcopal Church of veracity and integrity. I am also informed by letters from other gentlemen that there have been some three or four men killed there within the last three or four months, under circumstances of great aggravation.

These, sir, with the other facts which might be added, are the reasons why I invoke the interposition of the forces of the United States, and I hope that it may be consonant with your views to afford the required assistance.

I am, sir, very respectfully, your obedient servant,

General S. W. CRAWFORD,
Commanding, Huntsville, Alabama.

W. J. HARALSON,
Judge of the Circuit Court, Fifth Circuit in the State.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 3.—Class first, 1870.]

HEADQUARTERS POST OF HUNTSVILLE,
Huntsville, Alabama, March 3, 1870.

SIR : In obedience to verbal orders from the post commander of date March 1, I proceeded to Stephenson, Alabama, for the purpose of investigating the trouble in that neighborhood.

I found on my arrival, by conferring with the mayor of the town, the probate judge, the sheriff, the marshal, and reliable citizens, that the animus which culminated in the late disturbance, and is said to be the chief cause of the difficulties in that vicinity, arose from the fact of a negro man living in marital relation with a woman thought to be of the white race. But my own opinion is this is only a pretext for maltreating the colored people against whom a disguised party of men, known and commonly called Ku-Klux Klan, appear to have a special animosity, and the determination of driving them away. In consequence of the feeling against this negro man, whose name is Prior, a mob of these disguised men proceeded from the town to the negro settlement, about three-quarters of a mile distant, on last Friday night, the 25th of February, fired into the settlement, and wounded one colored man. The next day, Saturday, the settlement was again visited by these men, and the arms of the negroes were taken away. It is supposed that in retaliation for this outrage a party of colored men fired into the houses of Messrs. Bunn and MacMahon, two merchants of the town, on the following Sunday night, though neither were injured. On last Monday, the 1st of March, a warrant was issued by the proper civil officer, and three colored men, Prior, Jackson, and Daniels, were arrested on suspicion of being guilty of this last act, and confined in a log stockade adjacent to the town.

The same evening the marshal summoned every available citizen of the town to guard the prisoners, and protect them from an anticipated forcible liberation and violence by this disguised band of men before referred to. About 9 p. m. that night these men did appear, and in number estimated between thirty and fifty, and, notwithstanding the remonstrances of those on guard, liberated the prisoners, though in doing so the principal object of their vengeance (Prior) made good his escape. The two remaining prisoners were turned over a short time thereafter to the guard of soldiers sent up from Huntsville by the post commander on Monday night, and this guard had the men in custody on my arrival the following day, at 4.15 p. m.

I detained the guard for the purpose of giving protection to the prisoners, at the request of the civil authorities, and then used my best efforts to hasten an immediate trial or examination, which was effected, and the prisoners released on Wednesday morning for the want of evidence to convict them. It seems to be the opinion of the town civil officers that as soon as Prior, the colored man, leaves the settlement all undue excitement will subside. If this were all that is needed, quiet might soon be restored, for the colored people have received such a shock by the outrage committed that all are resolved to remain no longer where they are so cruelly persecuted.

On my departure many of them were selling their little effects preparatory to removing elsewhere, one of the female teachers, together with several families, leaving on the same train with myself for Huntsville.

I wish to add that the sheriff states that he was in no manner apprised of the disturbance, and seems to be quite confident of his own ability and power to act whenever called upon so to do.

Respectfully submitted.

J. H. FLOOD,
First Lieutenant Second Infantry, U. S. A.

First Lieutenant JAMES M. INGALLS,
Post Adjutant.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 4.—Class first, 1870.]

HUNTSVILLE, ALABAMA, *March 5, 1870.*

SIR: I have the honor to state that, in compliance with paragraph 2, Special Order No. 45, headquarters post of Huntsville, Alabama, April 2, 1870, and additional verbal instructions from the brevet major general commanding, I proceeded to Somerville, Morgan County, Alabama, where I arrived at 12 o'clock on the 3d instant, and, in compliance with my instructions, immediately commenced to investigate the disturbance which has for some time agitated that county. I found most of the citizens either so prejudiced in their views or intimidated by fear of consequences that but little reliable information could be elicited from them. From a few, whom I believe gave me an account of the true state of affairs, I base this report.

The difficulty originated about eighteen months ago, in a personal quarrel between Judge Charlton and a Mr. Ragland, both of whom have been killed by unknown parties since then. Family, political, and personal quarrels have been so blended and mixed that it is very difficult to ascertain where the one commences and the others end. These, and other conflicting interests, have kept the spirit of discord and animosity alive, and have engendered such deadly feuds to such an extent that at the present time law and order are set at defiance. The civil officers are paralyzed with fear, and make no effort to discharge their duties. Public sentiment is suppressed, men are afraid to denounce or expose criminals, lest for doing so they would incur the displeasure of the malefactors, and thereby jeopardize their lives. As proof of this the following named citizens have been murdered in the county since the first of January last: James Simmons, Elijah McClenehan, Jefferson Knight, William Clemmens, Judge Charlton, and Alexander Tarer. The murderers of Clemmens and Simmons were brought to trial, and acquitted on the plea of committing the acts in self-defense. I have been credibly informed that the facts in these cases did not justify such decisions; that the juries were packed, and that their trials were mere mockeries of law and justice. No effort has been made to discover and bring to justice the murderers of the other men mentioned, although for cold-blooded, premeditated assassinations they stand unparalleled in the annals of crime. The facts connected with the murder of Judge Charlton prove it to be the work of a strong, well-organized, secret society, and not the acts of a few individuals, as supposed by some of the citizens.

About a week before my arrival at Somerville there were two opposing armed bands in the county, one under the command of Ponder and Robinson, the other under the leadership of Robert Garner; the former consisting of about sixty men, and the latter about eight. Garner, with his men, is reported to have left the county. Ponder and Robinson, with their men, are still under arms, and are scouting through the county in small bands; a squad of them, consisting of about fifteen men, were in Somerville on Saturday, the 2d instant, and are reported as having made threats against the citizens of the county. The majority of the citizens of Somerville with whom I conversed on the subject sympathize with Robinson and his party, and exult in the death of Judge Charlton.

The civil officers of the county have, in my opinion, failed to discharge their duties, the result of which is that at the present time their functions are ignored and their authority set at defiance.

I am, sir, very respectfully, your obedient servant,

CHAS. HARKINS,

First Lieutenant Second United States Infantry.

Lieutenant P. H. FLOOD,

Post Adjutant, Huntsville, Alabama.

HEADQUARTERS SECOND INFANTRY,
Huntsville, Alabama, March 30, 1870.

COLONEL: On Wednesday last I proceeded to Jacksonville, Calhoun County, in order to inquire into the disturbances in that section. At Chattanooga I was joined by the governor of the State, whom I accompanied to Jacksonville. I found the following condition of things: About two weeks ago a party of disguised men, numbering fifteen or twenty, all mounted, made their appearance near Jacksonville. They visited the houses of a Mr. Reed, a Mr. Jason Scott, and also the house of his father. They visited also some negro cabins. At the houses of Mr. Reed and Mr. Scott the men were summoned and ordered to dance, and were made to answer trifling questions. At the house of Mr. Jason Scott a negro was demanded. He attempted to escape, when they shot at him, wounding him twice in the leg. Another negro, at whose house they stopped, escaped without injury. It was impossible to trace the perpetrators of these outrages. I had an interview with the principal persons in the town

in company with the governor, and although all united in condemnation of such proceedings, there had been no effort to make any arrests whatever.

As is the case in many counties, the sheriff is inefficient, and a very general complaint is made in regard to the neglect of the civil officers to execute the law.

The counties of Calhoun, St. Clair, and Etowah were strongly rebellious in sentiment during the war. Hostility to the Government in sentiment and feeling still exists, although no overt act is committed, as it is recognized to be hopeless, and quiet ordinarily prevails. At present there is no regular active association of disguised men. The example set at one time, however, by the best men in the community has been followed by a younger and more lawless set, who assume disguises from time to time for the gratification of private ends, and in defiance of all law. The governor of the State is fully impressed with the necessity of using every lawful means to suppress those constantly recurring instances of lawlessness. I have urged upon him that the militia of the State should be organized. It is this force that is dreaded by the perpetrators of these outrages, and under the restrictions imposed upon the troops of the United States, it is well understood that their influence is dependent upon the demand of the civil officers, and is almost wholly negative.

While I was at Jacksonville a party of young men, in open day, came to the hotel and warned a gentleman named Luke, one of the employes upon the Selma, Rome and Dalton Railroad, and who was in Jacksonville to hire laborers for the Selma and Gulf Railroad, that he must leave the town and section, because he had taught a negro Sunday-school at Patona. The prompt and unexpected arrival of the troops had caused an excitement among the people. The old native population were hostile to their coming, but the Union people, and especially the negroes, were all encouraged by their presence.

I inclose to you a paragraph from the Huntsville Advocate, of the 29th, showing the condition of things in Morgan County. The full details I will receive to-day and forward.

Very respectfully, your obedient servant,

S. W. CRAWFORD,

Colonel Second Infantry, Brevet Major General, U. S. A.

Colonel JOS. H. TAYLOR,

Assistant Adjutant General, Department of the South.

A true copy :

JAMES MILLER,

First Lieutenant Second Infantry, Post Adjutant.

[No. 6.—Class first, 1870.]

EUTAW, ALABAMA, *April 13, 1870.*

SIR : I have the honor to state that, in compliance with Special Order No. 49. headquarters, post of Huntsville, Huntsville, Alabama, April 8, 1870, and additional instructions from the brevet major general commanding, of the same date, I proceeded to Eutaw, Alabama, but owing to necessary delays did not reach there until the evening of the 12th instant, where on my arrival I immediately proceeded to investigate the circumstances connected with the murder of Samuel Boyd, late solicitor of Greene County, Alabama, and the condition of civil affairs in this section, and find them to be as follows:

Mr. Boyd was murdered in a room at the hotel in this town, about 11 o'clock p. m., on the 31st day of March, 1871, by a band of about thirty armed and masked men, said to belong to a secret political society known as the Ku-Klux organization. They were seen entering the hotel and committing the deed by several of the citizens and the sheriff of the county, and no attempt made to arrest or prevent them from carrying their atrocious design into execution. Civil affairs are in a very disturbed and agitated condition; seven murders have been committed in this county within the past three months, and but little effort made to arrest and bring to justice the perpetrators of these crimes; the civil officers seem to be powerless to restore and maintain law and order. For further and more complete information on these subjects, I would respectfully invite your attention to the papers hereto appended, which I believe to be true in every particular. They give a correct account of the murder of Mr. Boyd, and partly represent the feelings of the people and the state of affairs in this section. These papers are classified and marked as follows:

Statement of the sheriff, Mr. Cole, marked A.

Statement of A. A. Smith, circuit clerk, marked B.

Statement of Samuel B. Brown, tax assessor of the county, marked C.

A true copy of the testimony and proceedings of the coroner's inquest, in the case of Mr. Boyd, marked D.

The force under my command (ten men) is not sufficient to awe and keep in check the turbulent element which is defying law and murdering at will. I would, therefore, respectfully recommend that it be increased to at least twenty-five or thirty men, and stationed here until after the election for county and State, which takes place next fall.

I am, sir, very respectfully, your obedient servant,

CHARLES HARKINS,

First Lieutenant Second Infantry.

POST ADJUTANT, *Huntsville, Alabama.*

A.

EUTAW, *April 12, 1870.*

On the night of the 31st of March ultimo, a body of armed and disguised men rode into this place, and some twelve or fifteen dismounted just below the hotel, and proceeded at once to the hotel; took possession of the office, placing guards at the door; and from thence they went to the room of Alex. Boyd, forcing the clerk to conduct them there, and, bursting open the door, a scuffle ensued, when Mr. Boyd was shot at the door; he was then shot several times in the hall leading to the room. They at once left, mounted, and rode around the public square; about twenty-five or thirty in that body; there were others in different parts of the town; they left town by different roads; so I hear.

I was notified at once of the killing of Mr. Boyd by Mr. Clearland, proprietor of the hotel; I went there at once, and summoned a jury to hold an inquisition over his body; went in person for Mayor Roberts to act as coroner; Dr. Meriwether as the examining surgeon. The people were all much excited and horrified at the murder, and it being at the dead hour of night, and the Ku-Klux being before thought only a myth, it was impossible to do anything, they being in such force that it would have taken a large body of well-armed men to have done anything with them. The deed, so far as I have heard, is condemned by all; the feeling not being bitter against any parties on account of political opinion. It is thought the reason Mr. Boyd was sought for, was on account of his having had a great deal to say about the killing of a negro at Union some time ago. Our town and county is quiet and peaceable now.

I am, very respectfully,

GEO. H. COLE,

Sheriff Greene County.

Captain HAWKINS,
United States Army.

STATE OF ALABAMA, *Greene County:*

OFFICE CLERK OF THE CIRCUIT COURT.

I, A. A. Smith, clerk of the circuit court of said county, and also county superintendent of education, deem it my duty to present to whom it may concern a brief statement of affairs as they now exist in this county as regards the murder of Alexander Boyd, our county solicitor and register in chancery, on the night of the 31st of March, 1870. The inquest held over the body reveals the whole matter; there are many things connected with the murder which as yet are hid. The sheriff of the county saw the parties in disguise ride around the public square after the murder was committed, and did not make any attempt to arrest them, I suppose, from fear or some other cause. The people of this county, or a large number of them, bid defiance to law, and I am free to say that the laws cannot be executed here under the existing state of affairs. The people say openly that there shall not be a court held at this place this spring. My brother, the judge of this circuit, cannot come here and hold a court and be safe. Freedmen are almost daily being killed, school-houses in which freedmen's schools are being taught are burned, and the teachers of said schools are being driven from the county, or made afraid to continue. My life has been threatened, as the original note which I append will show; I send the original and keep an exact copy. I am informed by the freedmen that persons whom we least suspect were engaged in making the plot to kill Mr. Boyd. The paper published in this place, and edited by Joseph W. Taylor, is, in my opinion, the main cause of all the bloodshed in this county. It advises the people to end the guilty career of the radical members of the legislature of Alabama, and also the radical officials, by the ballot-box "if it can, but the cartridge-box if it must;" it calls every radical officer a thief and other pet names, and all because they claim the right to think and act as they please in regard to the great political issues of the day. Murderers are running at large, and no one attempts to arrest them. No man or men in the county dare say one word in opposition to this Ku-Klux band; no

one dare make any complaint to the civil authorities, for they well know that it is utterly impossible to convict any one of that class in this county by any jury that we can get. We are at their mercy, and the "black flag" is hoisted against all radicals. Northern men (unless they be democrats) are denounced as usurpers, who ought to be driven from the county. Let us have protection here, or we must eventually meet the same fate of Mr. Boyd. I, as an officer, feel that there has already been enough done in this county to justify the most stringent measures; if that be martial law, for God's sake let us have it.

This is a brief statement of affairs as they exist in this county, made to Lieutenant Harkins, at his request, April 13, 1870.

A. A. SMITH.

NOTE.

Slip taken from paper sent by A. A. Smith.

The Eutaw Whig denounces the road act, passed by the legislature and approved by Governor Smith, for the counties of Sumter, Greene, and Perry. Denunciation doesn't reach the question. Only the hanging of the perpetrators of such crimes will bring relief, (Southern Argus.) We are afraid they are in no danger of hanging either here or hereafter. Radical judges and juries would let them off this world, and their father, the devil, would befriend them as his dearly beloved sons in the next. The ballot-box if it can, the cartridge-box if it must, should end their guilty career.

ALABAMA, GREENE COUNTY, April 2, 1870.

IN COUNCIL.

MR. A. A. SMITH:

SIR: Your conduct and conversation generally is obnoxious to the people of this county. A small majority of this assembly propose giving you fifteen days to take your carpet-bag and travel. Take heed.

K. K. K.

C.

OFFICE OF TAX ASSESSOR,

Eutaw, Alabama, April 13, 1870.

THE STATE OF ALABAMA, *Greene County*:

As an official of this county, and a resident for the past ten years, and formerly a rebel soldier, I deem it my duty, not only as a citizen and official, as well as a law-abiding citizen, to present, for the candid consideration of all concerned in the restoration of law and order, the state of affairs really existing in this county at the present time, and the utter inefficiency of the civil authorities, unaided by the military, to enforce the law and protect the county officers in the discharge of their duty.

On the 31st of March last, of this year, a band of disguised men, variously estimated from thirty to seventy-five, entered this place and proceeded to the hotel, where they entered the bed-room of Alexander Boyd, esq., the solicitor of this county, and brutally murdered him by completely riddling his body with pistol-shots. The sheriff of this county, George H. Cole, either from fear or policy, failed to make any effort whatever to effect their arrest.

In the neighborhood of Union, in this county, the following-named persons have been assassinated within the short space of the last three months:

James Martin, (colored,) was shot by a man in or near Union, and while the physician was extracting the shot from his body, an unknown party forcibly took his body, and since that time he has never been heard from. An affidavit was, I am informed, made against an old colored man named Sam Colvin, charging him with having threatened the life of a party calling himself Kyle, and, while in custody, the party making the arrest asserts, the same Sam Colvin was forcibly taken from their possession, as he was afterward found dangling from a tree with some half-dozen pistol-shots through his body. Sam Colvin, jr., the son of the old man, and Henry Miller, (colored,) charged with murder, have been made way with—supposed to have been taken from jail for the purpose of murdering them. The body of Henry Miller, I am informed, has been found and buried. Carr Davis (colored) was badly wounded by disguised men, and narrowly escaped with his life. Other instances could be mentioned in the county of acts of lawlessness, and no effort on the part of our truly inefficient sheriff to do his duty by summoning a posse to arrest the law-breakers.

The alarming aspect which crime has assumed in this county, and the organized agency, the Ku-Klux Klan, through which it is perpetrated, call for the most rigid measures to arrest its progress; and, in my humble opinion, the civil law can only assume its supremacy by the timely aid of the military or the intervention of martial law. I am unable in person to discharge my duty as an officer without protection.

With the hope that something will be done at an early day to arrest this lawless band in its operations, and bring back these men to respect the law and the legally constituted authorities,

I remain, most respectfully, your obedient servant,

SAMUEL B. BROWN,

Tax Assessor, Greene County.

Lieut. CHAS. HARKINS.

D.

Testimony taken before the jury of inquest.

STATE OF ALABAMA, *Greene County:*

MAYOR'S OFFICE, EUTAW, *April 1, 1870.*

Testimony of W. A. Lyerla, a witness before the jury of inquest on the death of Alexander Boyd, sworn, says: About fifteen minutes before 11 o'clock on the night of Thursday, the 31st of March, 1870, he went into the bar-room or office of the hotel of George Cleareland, in the town of Eutaw, and a short while afterward there followed in the same room a party of men in disguise; after standing a very short time, one or more of the party took hold of J. W. Freeman, the agent of the proprietor of said hotel, and together with the whole party, except two or three, through a door which opens into the bed-room adjoining the said bar-room. The number of the party was about twelve, to the best of my belief. About two minutes after they left the bar-room witness says he heard hallooing and shooting. The whole party were unknown to witness. Some of them he thinks were white men from what he could see of their necks. After the firing and hallooing above alluded to, the party of men in disguise came out through the bed-room adjoining the bar-room, and through the bar-room, thence out into the street, which was the last witness saw of them. One of the party had a grass rope in his hand.

W. H. LYERLA.

Testimony of J. W. Freeman.

At the same time and place as stated in the evidence of W. H. Lyerla, a party of men in disguise appeared, and one or more of them took hold of witness and went with him, together with the balance of the party, through the bed-room adjoining the bar-room of the hotel, and thence up the stair-steps leading to the upper gallery, and told him they wanted a light; one of the party then asked him which rooms were Nos. 4 and 5. A few minutes after, while he was standing in a little alley in the midst of the party of men, he heard screaming, and immediately after he heard shooting; witness did not recognize any of the members of the party. He does not think that any of the party were citizens of Eutaw or vicinity. Witness was carried up the stair-steps by force and against his will.

J. W. FREEMAN.

Testimony of S. E. Falconer.

About 11 o'clock in the night, as stated by the witnesses Lyerla and Freeman, witness was standing on the corner, at the bar-room of Hickman & Thompson, and his attention was attracted by considerable noise in the second story of the hotel of George Cleareland. He heard some one halloo "Murder," about three times, and immediately after he heard shooting; about the same place he heard hallooing. He then went across to the hotel, and as he reached it, he saw a party of men in disguise coming out of the bar-room of the hotel and going down the street leading to Springfield. A short time afterward there came back from the direction of Springfield a party of men on horseback, about twenty-five in number, who appeared to have been in disguise; their horses were also disguised. They then rode around the public square, and then left town on the street leading to Springfield.

S. E. FALCONER.

Testimony of Rufus Rutledge.

About 11 o'clock on same night, witness was standing on the sidewalk about twenty yards east of the corner of Hickman & Thompson's bar-room, and saw a party of six

men on horseback standing at the corner of the circuit clerk's office on the northeast corner of the public square; their horses were in disguise; a short time afterward there came down the street from the direction of Cleareland's hotel another party of men on horseback, men and horses both disguised, who joined the party of six standing at the corner of the clerk's office; they all together rode around the public square, all disguised, and left on the street leading to Springfield; this was the last witness saw of the party.

RUFUS RUTLEDGE.

The testimony of J. B. Head

Corresponds identically with that of W. H. Lyerla.

Testimony of Dr. John S. Meriwether.

The examining physician of the inquest held on the body of Alexander Boyd, who being examined, says: About half past 12 o'clock on the night as stated by the preceding witnesses, he was summoned by the coroner to examine the body of Alexander Boyd, whom he found dead, lying in a passage-way in the second story of Cleareland's hotel, and, upon examination, found three shots in the head and four in the abdomen, either of which would have been sufficient to produce death.

JOHN S. MERIWETHER.

STATE OF ALABAMA, *Greene County*:

An inquisition indented at the residence or boarding-house of the deceased, Alexander Boyd, in this county, the 31st day of March, 1870, before Thomas W. Roberts, mayor of Eutaw, and *ex-officio* justice of the peace, in absence of the coroner of said county, upon the views of the body of said Alexander Boyd, then and there being dead, and upon the oaths of J. P. Clark, James C. Uslick, George H. Place, James D. Duncan, and George H. Dunlap, jr., good and lawful men of said county, who, being charged and sworn to, inquire for the State of Alabama, when, where, and after what manner the said Alexander Boyd came to his death, upon their oaths say and present that the said Boyd came to his death on the night of the 31st of March, 1870, at and in his own boarding-house in the Eutaw House, by fire-arms of some kind, in the hand or hands of some party or parties to this jury unknown.

J. P. CLARK.
J. C. USLICK.
G. H. PLACE.
J. D. DUNCAN.
G. H. DUNLAP, Jr.

Sworn and subscribed to before me this 1st of April.

THOS. W. ROBERTS, *Mayor, &c.*

STATE OF ALABAMA, *Greene County*:

Witnesses before a jury of inquest held on the body of one Alexander Boyd, deceased, do each agree to appear at the next term of the circuit court to give evidence before said court in said cause, and, failing so to do, to pay to the State of Alabama one hundred dollars.

Dated this 1st of April, 1870.

RUFUS RUTLEDGE.
JOHN S. MERIWETHER.
S. E. FALCONER.

A true copy:

C. A. DEMPSEY,
First Lieutenant Second Infantry, Acting Regimental Adjutant.

[No. 7.—Class first, 1870.]

EUTAW, GREENE COUNTY, ALABAMA,
April 21, 1870.

SIR: I have the honor to state that, on the evening of the 19th instant, several reports were brought to this town, by both colored and white men, to the effect that a band of armed colored men intended burning this town that night. The rumor seemed to be generally credited by the citizens, which caused great alarm and excitement. Armed parties of citizens were immediately formed, under the direction of the sheriff, and patrols and pickets sent to the suburbs of the town, where they remained all night.

No demonstration was made by the colored men, if they had any such intention, which I am inclined to doubt. The excitement has abated, but there is still a feeling of distrust and anxiety among all classes.

The real facts of the case, and cause of the present alarm, I believe to be as follows: The colored men, and republicans generally of this county, feeling aggrieved at the many murders and outrages perpetrated on men of their party by the Ku-Klux organization, have determined to protect themselves in future, and banded together for that purpose only, not to assume the offensive, or interfere with the peaceful, law-abiding portion of the community.

I received rations for my detachment, to include the 9th of next month, from Captain Mills, commanding the post of Tuscaloosa. My detachment is quartered in a building attached to the county court-house, and used as a grand jury room. The men under my command have deported themselves well, and are under good discipline.

I am, sir, very respectfully, your obedient servant,

CHARLES HARKINS,

First Lieutenant Second Infantry, Commanding Detachment.

POST ADJUTANT,
Huntsville, Alabama.

Official:

JAMES ULIO,

Second Lieutenant Second Infantry, Post Adjutant.

[No. 8.—Class first, 1870.]

HEADQUARTERS COMPANY G, SECOND INFANTRY,
Stevenson, Alabama, June 29, 1870.

SIR: I have the honor to report that, in obedience to Special Order No. 74, headquarters post of Huntsville, Alabama, June 27, 1870, I arrived and took post at this station on the 28th of June, 1870.

In obedience to letter of instructions, dated headquarters post of Huntsville, Alabama, of June 27, 1870, I wrote to the sheriff of the county, at Scottsborough, notifying him of my arrival here. I also notified the mayor of Stevenson. I made inquiry of him and others of the number of outrages committed by disguised men upon residents and other parties at this place. He states that men disguised ride in here at least twice a week, but have done no outrages except the following: About the 12th of May Dr. Rousaleux came here to practice his profession. Among the number of his patients was a man with sore eyes. He promised to pay the doctor \$100 if he cured him. The doctor would not do anything for him unless the man deposited \$100 in a bank at Huntsville, payable to the order of the doctor when the patient was cured. The man having been restored to health, and the doctor having drawn the money, came here again to practice on others. Meeting the doctor, he stated that the charge was too high for the work done, and it is presumed that on that account disguised men went to the hotel and asked to see the doctor. They made several attempts to go up stairs, but did not succeed; they finally went away.

About two weeks ago two men, disguised, went to a house about two miles from town, and committed rape upon a young girl. The parties were arrested by the civil authorities, and are now under bonds to appear before the civil court.

About two weeks since a half dozen of disguised men amused themselves by snapping caps at the door of the hotel, about midnight, because they would not be allowed in.

On last Saturday night four men in disguise presented pistols at a Mr. Ashelly, who keeps a refreshment stand on the platform of the depot, to intimidate him to give them, without payment, refreshments. No arrest.

I shall go to Bridgeport whenever the commanding officer thinks it necessary, and sends me an order to do so.

I am, sir, very respectfully, your obedient servant,

GEO. H. M'LOUGHLIN,

Captain Second Infantry, Brevet Major, U. S. A.

First Lieutenant JAMES MILLER,
Second Infantry, Post Adjutant, Huntsville, Alabama.

[No. 9.—Class first, 1870.]

HUNTSVILLE, ALABAMA, July 12, 1870.

LIEUTENANT: I have the honor to report that, in compliance with verbal instructions from the brevet major general commanding, I proceeded on the 8th instant to

Ashville, St. Clair County, Alabama, to investigate the disturbances in that vicinity. I arrived at Ashville Station, on Alabama and Chattanooga Railroad, at 2 p. m. on the 9th instant, and there met a body of about thirty young men armed with rifles, shot guns, and revolvers, who boarded the train in a noisy and turbulent manner. I ascertained that they were just from the village of Ashville, *en route* to their homes, a few miles below the station, and claimed to be part of the sheriff's posse, who had attacked the Hon. H. I. Springfield's house the night and day previous. I proceeded on foot to Ashville village, distant about three and a half miles from the station, arriving about 3 p. m. The village presented a very desolate aspect, all the business and dwelling houses were closed, and a few men with rifles and revolvers riding around the square were the only persons visible. I approached a group, and inquired for the sheriff, who they informed me had just left the village for his home some three miles distant. Judge Stanniford, who accompanied me, secured a horse and went after him, while I remained and endeavored to elicit from the citizens the origin and cause of the difficulty. No person, however, could name any offense that Springfield had committed cognizable of by law or warranting the extraordinary course the sheriff had pursued, but they denounced Springfield bitterly as a dangerous man and a "scalawag." The fact that he had done excellent service in the Union Army during the late war accounted in a great measure for their hatred, for I conversed with many of the leading men of the county after this of all parties, and their united testimony was that Springfield was one of their best citizens. Judge Stanniford, accompanied by the sheriff, John C. Brown, returned in about an hour and a half, and the latter gave me in substance the following account of the origin of the disturbances: Some days before he had received information that the Hon. H. I. Springfield had assembled at his house, about a mile from Ashville, a number of armed men, and fearing Springfield intended disturbing the peace of the county, he had summoned a *posse comitatus* of about two hundred citizens to arrest Springfield and friends, and bind them to keep the peace. In the meantime, while these men were assembling at Ashville, Sheriff Brown sent a note to Springfield, directing him to disperse the party at his house, and send all their arms to him at Ashville; no mention whatever was made of any legal process against Springfield, and he was not requested to report to the sheriff, served with any legal instrument, or any explanation given of the armed assemblage at Ashville, except that Brown stated that all the men assembled in Ashville had delivered to him, Brown, their arms, and he further stated to me that he had sixty-six stand of arms locked up in the court-house. I was at a loss to understand why he should disarm his posse if they were assembled for a legal object to enforce the laws, and asked his reasons for what appeared to be a very extraordinary proceeding; the only reason he could give was, that he desired to avoid bloodshed, and trusted that when Springfield heard of his action he would disperse his friends, and tranquillity be again restored. In reply to Brown's note, Springfield stated that he was confident that the parties assembled by Brown desired his blood, and he would not put himself in their power, but at the same time, if charged with any offense, he was ready to respond promptly to a proper legal process. After this correspondence, Sheriff Brown's posse, on the morning of the 8th instant, between 8 and 9 o'clock, numbering about two hundred men, surrounded the residence of Springfield, and opened fire upon the inmates. I cross-examined Brown closely at this stage of his statement, and he admitted that he did not accompany the so-called posse; that no demand or legal process was made or served on the Springfields, and that he did not join the besieging party for several hours after hostilities had commenced. These admissions of Sheriff Brown surprised me, and excited a very strong suspicion that the peace and welfare of St. Clair County was not the incentive which animated this official. The besiegers erected defenses by destroying the fencing around Mr. Springfield's property, and kept up a continuous firing until after daylight on the morning of the 9th instant, at which time Springfield called to the attacking party, and asked if Sheriff Brown was with them; being answered in the affirmative, he asked to see him; firing ceased, and Brown and Springfield met; the latter asked the former if he had any civil process against him or his friends; Brown said he had a peace warrant, issued by the judge of probate, and desired him and his followers to lay down their arms; Springfield acquiesced, providing his arms were not removed until after a legal investigation. Sheriff Brown consented, and immediately left for town to obtain the warrant, under which he purported to act, and which had been inadvertently left behind. (In this connection, attention is invited to affidavit of Charles A. Richey, appended hereto.) On his return he found his posse in a very excited condition, threatening the life of Springfield, and it required all his influence and authority to restrain them; eventually he succeeded in dispersing them, and left Springfield and friends without any further proceedings; he did not even require the peace-bond which he claimed was the original object of the assembling of his posse, and informed me that he was surprised to find only fourteen men in Springfield's house. After receiving this statement of Sheriff Brown, I walked out to Springfield's house, met him, and examined his premises. His statement differed but little from the sheriff's; the only material difference was, that he assured me that a Mr. Box, a young

attorney of the village, had written the warrant after he had interviewed Sheriff Brown, and that Mr. Box admitted this fact also, that the judge of probate had been absent from the village since about the 4th instant. This latter allegation I found, upon inquiry, entirely correct, and I am strongly of the opinion that the warrant was never signed by the judge of probate. Sheriff Brown showed it to me, and I found it based on no affidavit, as, I believe, is general with warrants. It simply set forth, in a general preamble, that certain armed bodies of men were represented as being assembled, threatening the peace of the country, and commanding him to disperse them. I think it was rather an informal paper to base such serious proceedings upon. Mr. Springfield also stated that, at the time the armed party were approaching his house, he was engaged in answering a note from the sheriff, requesting again the dispersion of his friends, and a gentleman named Stewart, an envoy from Brown, was awaiting his answer, which was, he says, an agreement to conform to the request of Sheriff Brown. The approach of the armed party was announced to him, and he requested his wife to go down the road and ask them not to fire on his house, but they gave no heed to her request—advanced and opened fire. I was not able to see Stewart, to confirm by his voice this statement, but all in Springfield's house, among whom were some old rebel soldiers, who, though they differed politically from Springfield, attested to his statements. I examined his house, and found on the side window of his bed-room, twelve distinct bullet-holes; in the front window of same room, ten; in the side wall of same room, thirty-five; in the front, fifty, all of which passed clear through the room and partitions, and cut many of his wife's dresses which were hanging on the partition. The other portions of the house and out-houses were riddled with bullet-holes, and shot to such an extent that I could not count them.

I have given the substance of the statements of the principals in this disturbance in the foregoing, and will conclude with a few facts elicited from the minor actors in what was very nearly a tragedy, and may yet prove one. I conversed freely with both parties, and the universal sentiment among Brown's adherents was, that the Springfields must be killed or leave the county. All this party was composed of young men ranging from seventeen to twenty-six years, who had seen some little service in the rebel army, and, when armed with a navy revolver and supported by a half dozen sympathizing friends similarly equipped, felt all their native chivalry in arms against men like Springfield, who had been true and loyal to his country; and this hatred to him and friends was increased by the fact that he was to the "manor born," as were most all his friends. As an encouraging support to this vendetta, in the background I found some old lawyers and politicians, who, prevented from political disabilities from monopolizing all the offices of the county, as in the olden time, stormed and railed against this loyal element who robbed them of their accustomed influence and spoils. I found, upon careful inquiry, supported even by testimony of Sheriff Brown, that the Hon. H. I. Springfield is looked upon by all the respectable and influential men of the county as one of their best citizens; and, I am confident, from my observations, that the organization known as Ku-Klux appeared for the first time without disguises at the house of Mr. Springfield on the day and night of the 8th and 9th instant. All the county officers who dared remain at or near Ashville assured me of the terrible condition of affairs in that county, and the United States assistant marshal told me that it was unsafe for him to take the census. All the people in the adjoining counties are intimidated by this band, and numerous speculations and wagers were offered that I would never return, as I passed down the railroad.

My investigation was necessarily hurried and unsatisfactory to myself, but I am confident, with sufficient protection and time, many astonishing facts would be developed, which would throw much light on the numerous outrages now being perpetrated throughout the State. I have never, with an experience of four years in this country, seen a more complete subordination of the civil authorities of a county to the mob element than I witnessed in St. Clair, and I would earnestly recommend troops in the vicinity of Ashville, if the preservation of peace and protection of loyal citizens involves upon the General Government.

M. FRANK GALLAGHER,

Brevet Capt. U. S. A., Regimental Q. M. Second Infantry, Acting Adjutant.

Lieutenant JAMES MILLER,

Second Infantry, Post Adjutant.

STATE OF ALABAMA, County of St. Clair :

Personally appeared before me, Brevet Captain M. F. Gallagher, acting adjutant Second Infantry, on the 10th day of July, 1870, Charles A. Ritchey, of said county of St. Clair, who, being duly sworn, deposeth and saith that, on the morning of the 8th instant, between 8 and 9 o'clock a. m., I went to the house of A. H. Springfield, near Ashville, Alabama, and he asked me to remain with him, as he anticipated trouble, and might require me as a courier. A short time after this a number of armed men were reported approaching the house, and Mr. Springfield requested his wife to go down the road and

ask them not to fire on his house. They gave no heed to this request, but continued advancing, and, without making any demand whatever on Springfield or other inmates of the house, commenced firing upon it, even before the three ladies of the house got beyond danger; they surrounded the house and grounds, and continued firing all that day and night. About daylight, on the morning of the 9th instant, Springfield called out to the attacking party and asked if Sheriff Brown was with them; they answered in the affirmative, and he requested an interview with the sheriff. The latter objected at first, but at last consented, and they met. Springfield said to Brown he desired peace; that he done nothing warranting the attack made upon him. After some further parley, Springfield ordered his men to lay down their arms, and the sheriff and myself started for the town, leaving all the others at Springfield's. Upon reaching the town, he, the sheriff, asked me to give the names of the fifteen men in Springfield's house, which I gave to Mr. Box, attorney of the village, who attends to the business of the probate judge during his absence. He made out a peace-warrant for Springfield and friends. I saw no affidavit to base a warrant upon; nor did Mr. Box qualify any person. After this the sheriff returned to Springfield's and the attacking party. In the attacking party I think there were about two hundred men.

CHAS. A. RITCHEY.

Sworn to and subscribed before me this 10th day of July, 1870.

M. FRANK GALLAGHER,
*Brevet Captain and Regimental Quartermaster, Second Infantry,
Acting Adjutant.*

A true copy:

M. FRANK GALLAGHER,
Brevet Captain, U. S. A.

[No. 10.—Class first, 1870.]

HEADQUARTERS COMPANY G, SECOND UNITED STATES INFANTRY,
Stevensville, July 20, 1870.

SIR: In obedience to instructions from post headquarters, dated July 18, 1870, I went to Scottsborough and made investigations relative to the outrage upon John Mc-Mamman. I have the honor to submit the following as the result of my investigations:

On the 11th of July, 1870, Thomas Wallace, George Stealie, and John Mc-Mamman, were employed in a tan-yard in Scottsborough. A difficulty arose between the two former, and Stealie murdered Wallace by striking him with a paddle over the head. Stealie made good his escape, and is now a fugitive from justice.

The same night a party of men went to the house of S. R. Stealie, father of the boy who committed the murder; they asked for him, and when told that he was not at home they left.

The next night, (12th July, 1870,) another party, unmasked, went to the same house, and again asked for Stealie. Not finding him at home, they took from the house George Mc-Mamman, and whipped him about two hours with hickory sapplings. Said that he received over five hundred blows.

The parties recognized who did the whipping were McClung, Stratton, Andrews, Dobbs, and Edwards, and three others unknown. The reasons alleged for the whipping was his bad conduct in church during service, and to find out where the murderer Stealie was.

Upon my arrival there yesterday Mc-Mamman was arrested as an accomplice in the murder of Wallace. The parties who preferred the indictment against him are the parties whom he states whipped him. Evidently the man does not bear a good character. He might have saved Wallace from being murdered had he chosen to do so, as he was a spectator of the whole transaction.

The marshal, Mr. Kirk, states that if Mc-Mamman was not an accomplice to the murder, he was an accessory to it.

I am, sir, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,
Brevet Major Second Infantry, Commanding.

First Lieutenant JAMES MILLER,
Second Infantry, Post Adjutant, Huntsville, Alabama.

[No. 11.—Class first, 1870.]

HEADQUARTERS COMPANY G, SECOND INFANTRY,
Ashville, St. Clair County, Alabama, July 31, 1870.

SIR: About 10 o'clock last night my camp was fired on by a mob. They then stealthily tried to capture my guard, who fired on them, when they took to the hills. Their exact number could not be ascertained, on account of the thick woods and darkness of the night. My guard states that they saw between the trees about ten men; they also say that they heard others in rear of them talking.

Civil law is dead in this county. The mob rules. The officers of the law are afraid to execute their duties, on account of the consequences resulting therefrom when the military are withdrawn.

I receive threats every day of their intentions to clear me out. My men are on guard during the day to preserve order between the belligerents, and to protect the officers of the law. The town is crowded from morning till night with men from the country, each man with a brace of revolvers around him, and some with shot-guns upon their shoulders.

As a matter of prudence, I would respectfully suggest that the remainder of my company be ordered here. I inclose an affidavit from a Union soldier who was driven from his family and his home a few days since, and who now for protection has to live in my camp.

I have the honor to be, sir, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,

Captain Second Infantry, Brevet Major, U. S. A., Commanding Company.

Lieutenant JAMES MILLER,

Second Infantry, Post Adjutant, Huntsville, Alabama.

A true copy:

JAMES MILLER,

First Lieutenant Second Infantry, Post Adjutant.

ASHVILLE, ST. CLAIR COUNTY, ALABAMA,

July 29, 1870.

SIR: I beg most respectfully to make the following statement, in hopes that my life may be protected from a number of citizens of this county, who have driven me from my home and family, and attempted my life for the reasons: I was a member of the Fourth Ohio Infantry four years and nine months during the late war, which, becoming known to the citizens where I live, is the cause of my complaint and call for protection. On the 22d of July last, at 9 o'clock p. m., five men broke into my house, armed with revolvers, I being at the time in bed with my wife; they seized me by the arms, and dragged me out of bed, kicked me out of the house, then knocked me down, and when I attempted to rise, they shot at me three times, but, it being dark, they missed me. I then took to the woods, quite naked, and from that time up till this morning, July 29, they have hunted me with shot-guns and dogs, like a wild beast, seeking to kill me. I have been obliged to leave my family without any means of living, and do not know what to do myself, being a poor man, without means to move away from this place, if you cannot give me protection.

The following are the names of four of the five men, viz, John Allen, James Steel, Hiram Steel, Richard Kasort; the other I do not know.

This occurred in Attawa [Autauga] County, about twelve miles from here.

I am, sir, very respectfully, your obedient servant,

COLOMAY SMITH.

The COMMANDING OFFICER

Of the United States Troops, at Ashville, Alabama.

Sworn to and subscribed before me, the undersigned, an officer of the United States Army.

GEO. H. McLOUGHLIN,

Captain Second Infantry, Brevet Major, U. S. A.

A true copy:

JAMES MILLER,

First Lieutenant Second Infantry, Post Adjutant.

[No. 12.—Class first, 1870.]

HEADQUARTERS COMPANY G, SECOND INFANTRY,
Ashville, St. Clair County, Alabama, August 18, 1870.

COLONEL: In reply to your letter dated the 13th instant, received last night, I have the honor to inclose you a copy of a letter received by me on the 10th instant from the probate judge of this county, H. De Berry. While I cannot corroborate Judge De Berry's statement, I must say that there is a terrible excitement, especially since Captain Springfield was shot. My men are about worsted out. People are afraid even to go to the depot unless I send a guard with them. I furnish a guard for the protection of Captain Springfield while he is unable to leave his bed.

I inclose you the deposition of a colored man who was flogged a few nights since about five miles from here.

If it was not for the troops being here, blood would flow freely.

I am, colonel, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,
Captain Second Infantry.

Colonel S. W. CRAWFORD,
Second Infantry, Patona.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

ASHVILLE, August 16, 1870.

DEAR SIR: It is reported to me this morning that men are bringing guns in town this morning, and also that armed bands of men were skirmishing the county a few miles distant and have done considerable damage to the persons of citizens, and I believe, under the circumstances, it is best that you put this town under strictly martial rule; and I believe that the civil authorities of the State will approve of the course. If such is not done, I will be compelled to close my office, as I cannot do my business in office with such confusion.

Yours, &c.,

H. DE BERRY, J. C. C.

Major McLOUGHLIN.

A true copy of the original:

S. W. CRAWFORD,
Colonel Second Infantry.

STATE OF ALABAMA, *County of St. Clair*:

William Starkey, a colored man, deposeseth and says: That about 10 o'clock on the night of the 15th of August, 1870, a party of five disguised men took me from Mr. Calowell's house, where I was getting my washing done, distant from the town of Ashville about six miles. They then tied a rope about my arms and neck, swinging the end of the rope over the limb of a tree. I was hoisted to the top of the limb seven or eight times, and each time they would let my feet touch the ground. As soon as they did so, they would ask me what a white man named Washington, with whom I worked, said about the shooting of Mr. Springfield; also what the other radicals said, (meaning a son of Mr. Washington, Jim McClellen, a school-teacher, and Martin, who works for Mr. Washington.) They then asked me what the niggers said about the Yanks being here; when I could not answer the questions the way that they wished me to do, they would hoist me up again to the end of the rope, until I was about choked, and then again let me down, saying, as they did so, "Now you will tell the truth, God damn you." They said that they came about five thousand miles to do this; that they let me off lightly to what the rest of the white men and blacks would get, unless they voted for the democrats. To save my life, I had to say that I would do so. They then said that they would give me twenty-four hours to get away from this section of country. They then whipped me with hickory sticks, and struck me over the head and shoulders with their guns and pistols.

his
WILLIAM + STARKEY.
mark.

Witness: GEO. H. McLOUGHLIN.

Sworn and subscribed to before me this 17th day of August, 1870.

GEO. H. McLOUGHLIN,
Captain Second Infantry.

A true copy:

A. MCINTYRE,
Second Lieutenant Second Infantry.

[No. 13.—Class first, 1870.]

ASHVILLE, *St. Clair County, Alabama.*

SIR: About 11 o'clock last night, the house occupied by the wounded man (Captain Springfield) was fired into by unknown parties. Some of the Springfield party who were on the watch returned the fire. I did not hear of any person being hit on either side. I had a guard, and at the time was myself at the house; a picket was thrown forward by me on the east and south side, but it appears they stole up on the west side of the house. My men did not fire.

All of the county and town officers have left; therefore I will, until other arrangements can be made, endeavor to keep the peace. During the day everything is quiet. Of course I know one of the parties have taken to the woods, but if I could, I have no authority to arrest them, as there are no officers here competent to issue the proper warrants.

I have the honor to be, very respectfully, your obedient servant,

GEO. McLOUGHLIN,
Captain Second Infantry.

Colonel S. W. CRAWFORD,
Second Infantry, Patona, Alabama.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 14.—Class first, 1870.]

ASHVILLE, ST. CLAIR COUNTY, ALABAMA,
August 15, 1870.

MAJOR: About 9 o'clock this morning, Captain Springfield was shot through the wrist, across the breast, and through the fleshy portion of the upper arm, while on his way from his house to town, distant about one mile. The parties, whoever they were that shot him, were in ambush. His brothers and two others were riding with him, his wife a little in rear of him, riding with other ladies.

My men are now scouring the woods. Send me a doctor at once, in case of accident.

I am, major, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,
Captain Second Infantry.

Major J. H. TAYLOR,
Assistant Adjutant General, Headquarters Department South, Atlanta, Georgia.

A true copy :

J. MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 15.—Class first, 1870.]

POST OF HUNTSVILLE, ALABAMA,
August 20, 1870.

LIEUTENANT: I have the honor to report that, in obedience to Special Order No. 101, dated headquarters, post of Huntsville, August 17, 1870, and received by me about 9 o'clock p. m. same date, I proceeded by the 2 a. m. train, on the morning of the 18th instant, to Courtland, for the purpose of investigating the cause of the disturbances at that place.

I received written and oral statements from numerous citizens, both white and colored. All their statements agree upon the main facts of the case. The substance of the oral statements received by me was substantially as follows :

Some negroes were suspected of having killed some sheep, the property of Mrs. Borden, who resides about three miles from Courtland, upon a rented plantation. One of the parties suspected, Wash McDaniel, was arrested, and brought before Justices Peyton and Baker for examination. He was discharged, on account of informality in the warrant, a search-warrant having been issued by mistake for a warrant of arrest. The examination took place about the 9th of August of the present year. Upon the 12th, about noon, one Bosey, a white man, came to the Foster plantation, where McDaniels, and others suspected of complicity with him, were employed, and gave utterance to threats against the negroes, at the same time exhibiting his revolver.

At about 11 p. m. a party of disguised men visited the plantation of Mr. Hemmenway, situated in the road between Courtland and the Foster place, and commenced robbing and maltreating the negroes. Information of this having reached the negroes at Foster's, they, suspecting that the marauders might visit them next, armed themselves, and laid in ambush in a lane leading from Lamb's Ferry road to Mr. Foster's. Between 12 and 1 a party of about sixteen disguised men advanced up the lane. Upon perceiving them, one of the negroes ran; seeing him, the disguised men fired at random, and ineffectually. The negroes returned the fire, wounding, it is supposed, three of the party, from the fact that this number of disguises were found, marked with blood. The disguised men broke and ran, and were pursued by the negroes about a quarter of a mile, to the Lamb's Ferry road, where they found and captured six mules and horses, which had been left at this point by the marauders. They also found at this point the man Bosey, mortally wounded. He was supposed to have been first wounded in the lane, and, running to regain his horse, failed to answer the challenge of the sentinel left over the animals, and was again shot by him. The pursuing negroes heard the challenge of the sentinel, heard him fire, and then exclaim, "I have killed my brother."

Upon the affair being reported to the civil authorities, every measure appears to have been taken to arrest and bring to justice the guilty parties. For particulars of their measures, I respectfully refer you to the statement of Mr. Baker, notary public, &c., whose statement, taken down by me from his dictation, is hereto appended, marked A, and made part of this report. I also refer to the joint statement of Messrs. E. H. Foster and C. Baker, (B;) Mr. John Phalan, (C;) Mr. E. I. Simmons, (D;) and diagram of the scene of action, drawn by Mr. W. W. Baker, (E.)

In conclusion, I would state that every facility was offered me by the gentlemen above named, and other citizens of Courtland and vicinity, for ascertaining all the facts of the case; and that the citizens of the county seem to be alive to the importance of vindicating the outraged majesty of the law against these displays of violence, and fully determined that no effort of theirs shall be wanting to bring the perpetrators to justice.

I am, very respectfully, your obedient servant,

JOHN C. BATEMAN,
Second Lieutenant Second Infantry.

Lieutenant JAMES MILLER, *Post Adjutant.*

A true copy:

J. MILLER,
Lieutenant Second Infantry.

A.

COURTLAND, ALABAMA, *August 18, 1870.*

On Friday morning, the 12th of August, about sunrise, Wash McDaniel came to me, and said that a party of Ku-Klux had attacked him, and that he had killed one of them the night before, stating that it was after 12 o'clock p. m., and wanted to know what to do. I told him to surrender himself to the deputy sheriff. As soon as I could get to my office, I heard his complaint, and issued a warrant for parties supposed to belong to the party of disguised men, and said to be by the man who was killed. Their names were Doggett, two Bordens, and one Bosey, and others; the names to be ascertained on evidence. I summoned a coroner's jury, and went with them to view the body, whose verdict was, viz: "That the deceased came to his death by a gun-shot wound in right breast, four buck-shot or small balls entering; that the said wounds were inflicted by parties unknown, a dozen or more shots having been fired by the negroes living on the Wash Foster place, three miles north of Courtland, into a body of men in disguise, who came with apparent intention of attacking them, (the negroes,) about 1 o'clock p. m., August 12, 1870; that the disguised men first fired at the negroes, and that the decedent was in disguise, and was so found when in a wounded and dying condition, from wounds given by the negroes in repelling the attack of the disguised men." Signed by E. F. Comegys, jr., S. Parshall, J. J. Beemel, J. W. Thom, Geo. C. Hickson, T. L. Schultz, and J. M. McGee. At the same time I authorized the deputy sheriff to take with him three or more men, and arrest any party or parties against whom suspicion might rest, as having been implicated in the affair. In the afternoon the deputy sheriff came back to town, reporting that he had found ten or more suspicious characters armed with double-barreled shot-guns and repeaters, who he was not able to arrest. I directed him to summon a posse of men to aid in arresting the parties. The posse, some twenty-six, went out under the direction of the deputy sheriff, and failed to find any party that was implicated or guilty. On the next morning I directed the deputy sheriff to make a general levy, and to summon every white man to aid

him in arresting any man who might have been or was implicated in the affair, under which order he summoned thirty or forty citizens. They scoured the county.

I was informed the following Sunday morning that they had arrested one John Odom on suspicion. On Monday Justice Patton and myself tried and investigated the case. There were four white and four black witnesses for the State; the said black witnesses were present when the conflict took place; no witnesses for the defendant. Upon having all the testimony that could be adduced, Odom was discharged, as there was no testimony to justify binding him over to the court. I am, by appointment of the governor of Alabama, a notary public, *ex-officio* justice of the peace, and, by virtue of the office, acting coroner in the absence of the regular coroner. A warrant in my hand has been issued, and is in the hands of the sheriff, for the arrest of several parties implicated in the affair, and accused thereof. The citizens hold themselves ready to respond to any call of the civil officers in keeping peace in their vicinity, and are using their utmost endeavor to bring these and all other marauding parties to justice. For this statement I have numerous assurances. All the prominent citizens will sustain me in this statement.

W. W. BAKER,

Notary Public, ex-officio Justice of the Peace.

A true copy:

J. MILLER,

Lieutenant Second Infantry.

B.

COURTLAND, August 18, 1870.

Statement of what I know about the difficulties in Lawrence County the last preceding week, made at the request of Lieutenant Bateman, United States Army.

I think the disturbances originated in the killing of some sheep, belonging to a poor woman named Borden, by Wash McDonald and some other negroes on the plantation of George W. Foster, three miles north of Courtland. The sons of Mrs. Borden ascertained from the statements of other negroes on the place that the parties charged had killed eight out of a flock of twelve sheep, running on the place. The evidence against Wash McDonald was conclusive. They got out, as they supposed, a warrant against him, but the justice, by mistake, issued a search-warrant instead of a warrant of arrest. He was brought before the justice on this warrant. The Borden family employed me as their attorney to prosecute, and so soon as I saw the papers, I advised them that the prisoner was improperly under arrest, and advised them to make affidavit, and sue out a warrant of arrest in a proper form. This occurred about the 9th instant. They concluded that they would await the return of a certain justice, then absent from home, who they preferred should try the case, and then institute a prosecution. On the night of the 12th, or rather at 1 or 2 o'clock a. m. of August, it is reported (and I think the report is true) that about nine white men, in disguises, repaired to the plantation of George W. Foster, hitched their horses in the public road about a quarter of a mile from the dwellings, and advanced to a point near the residence on said plantation. In consequence of some previous threatening indications, the negroes had gotten together some thirty or forty armed men, and laid in ambush, awaiting the attack. These negroes fired on the disguised men, who fled and dispersed. Only one man got back to where the horses were hitched—a man named Posey. He neglected to give the countersign to the man left in charge of the horses, and, when challenged, either did not hear or was too much excited to give the word, or likely took it for granted that he was known to the sentinel. Thereupon the man in charge of the horses shot him down. The man who fired upon him turned out to be his own brother, who was then driven away from him by the approach of the negroes. The wounded man lingered a few hours, and died in the hands of the negroes. Six horses were captured by the negroes. Mr. E. I. Simmons, the deputy sheriff, took charge of their horses, hoping that they would lead to the detection of the offenders against the law. Parties of the offenders came forward, and claimed the horses and mules, and they have all been delivered up. They were recovered from the deputy sheriff by proceedings under section 2593 of the revised code of Alabama. Some of the parties claiming such, revealed the names of persons they suspected of taking it for that especial occasion. It is generally understood that all the persons suspected in engaging in the raid have fled the country. It is sufficiently well known who they are to enable the grand jury to investigate the matter effectually. It was reported on Saturday evening that a wounded man was at a house about six miles from Courtland, and some ten or twelve armed men with him. The citizens of Courtland held a sort of meeting or consultation, and concluded that they would all go and assist the deputy sheriff in arresting these men. A crowd of negroes, greatly excited, and numbering, perhaps, one hundred, collected on the streets, and declared that they would go and assist us in making the arrests. They

were told by the white citizens that it was unnecessary for them to go; that it would excite the suspected men to resistance for them to go, &c. They were not satisfied, and still persisted in going, and about seventy-five colored men started with the intention of going, but changed their purposes, and did not reach the place. Twenty-four of the most respectable citizens of Courtland went with the deputy sheriff, but found no wounded man and no armed men there; indeed, none of the parties suspected. This posse of citizens continued their search during Saturday and part of Sunday. On Saturday night they arrested a man who was suspected, and brought him before a justice. The proof being insufficient to detain or commit him, he was discharged. The excitement incident to this affair has subsided. The negroes are satisfied with the exertions made by white citizens to preserve law and order and break up lawless bands. The men composing these bands are regarded as bad men, intent on bad purposes.

E. H. FOSTER.

A true copy :

J. MILLER,
Lieutenant Second Infantry.

COURTLAND, ALABAMA, *August 18, 1870.*

Mr. E. H. Foster having written a statement in regard to the difficulties which took place on the Foster plantation, I simply add that the citizens acted promptly upon the call of the sheriff, and went with him for the purpose of arresting these parties, reported to have been in disguise. The freedmen wished to go, but their sheriff and citizens thought it best for them not to go, as they were very much excited, and it was believed that if they went it would exasperate the law-breakers, and be the cause of a conflict; this could only result in loss of life, and that if the white men went alone and found the party, they could arrest them without loss of life. I have been a citizen of Courtland for thirty years, and have never known the people of Courtland and vicinity so unanimously determined to aid the officers of the law in preserving peace and quiet, and determined to put down lawlessness, whether committed by white or black. In the late difficulty the citizens have done their duty promptly and cheerfully.

J. C. BAKER.

A true copy:

J. MILLER,
Lieutenant Second Infantry.

C.

COURTLAND, ALABAMA, *August 17, 1870.*

At the request of Lieutenant Jno. D. Bateman, United States Army, I make the following statement in regard to the recent disturbances around Courtland :

Some ten or twelve days ago certain negroes on G. W. Foster's plantation, near Courtland, were charged by certain white men with having stolen some sheep, and the said negroes were brought before a justice of the peace to investigate the charge; the negroes were discharged by the justice. After this—shortly afterward—four white men went to the said plantation, and one of them pulled out his pistol, and said to the negroes that that pistol had whipped many a negro, and would whip many more, or words to that effect. The negroes thinking, from their manner, that this was a threat, prepared themselves with guns and pistols, and watched the place. These men supposed to be present some eight or ten negroes—perhaps more. That night, about 12 or 1 o'clock, some twelve or fifteen men in disguise were seen approaching the house, near which the negroes were in ambush, watching their coming. As soon as the disguised men came within fifty or one hundred yards, the negroes opened fire upon them, and the disguised men returned the fire. As soon as the negroes fired the disguised men broke and ran back through a cotton-field about half a mile to the public road, the negroes pursuing them, and firing as they fled. When the negroes got to the public road, they found a man mortally wounded, who proved to be the man who had threatened them with a pistol the evening before. They also found six horses and mules hitched to the fence. The next morning the negroes reported these facts, and that they had killed a white man in disguise. The white man, before he died, reported the names of some four or five others who were with him in the raid. The next day a warrant was issued for the arrest of these men. In the morning a coroner's inquest was had over the dead

man, and the facts substantially of this paper developed. After the inquest—some time after—some ten or twelve men came and demanded the body of the dead man, which was given to them. Soon after their departure with the corpse, E. I. Simmons, deputy sheriff, pursued them with three or four young men, and caught up with them at Hemingway's, some two miles from Foster's. They would not be arrested. Some of these men demanded of the deputy a mule that he was riding, being one of the same captured the night before. Simmons refused to deliver the mule, telling them that the mule was in the custody of the law. Simmons then returned to Courtland, and reported the facts, when the white citizens determined, after consultation, to get up a posse and arrest them by force, if necessary. A short while before dark the posse, of some twenty-five or thirty of the best citizens, arrived at Hemingway's, but found that the men had all left about two hours before their arrival. The posse thereupon returned to Courtland. The next day a posse of fifty men turned out and scoured the country for five or six miles around the town, and learned that all of the men whose names they knew had crossed the Tennessee River. They thereupon returned without arresting any one.

These are about substantially the facts. The excitement among all classes has been allayed, and all the good citizens are unanimous in urging the punishment of the disguised men, and will do all in their power to have them arrested.

JOHN PHELAN.

A true copy:

J. MILLER,
Lieutenant Second Infantry.

D.

COURTLAND, ALABAMA, *August 18, 1870.*

On the request of Lieutenant Bateman, of the United States Army, I make this statement in reference to an affray that took place about three miles from this place on the night of the 11th instant:

On the morning of the 12th instant Wash. McDonald rode up to my house about sunrise. I rose from my bed and went out, and Wash. stated to me that he had killed a white man in disguise. He said he had come to give himself up. I took him in custody, went into town, and told the citizens of the affray. They willingly volunteered to go with me in pursuit of the party, and I was ordered by W. W. Baker, acting justice of the peace, to summons a coroner's jury, and I accompanied them with about fifteen men to the place where the depredation had been committed, where there was an inquest held; and after this was done I took the fifteen men and went in pursuit of the party. I divided my party into squads of four, and after four or five hours' ride, my squad came up to a house where there were nine well-armed men on the outside; and as to the whole number I am unable to say. By being such a great odds, I thought it was not prudent to try to arrest them. I left the place and came to town, and stated what I had seen, and the citizens willingly volunteered, and went to the place where I had seen the men, and on my return the men had disappeared. It being late in the night we returned home. On the next morning I heard of the party about ten miles from this place. I stated the fact to the citizens. I summoned thirty-six, and we scattered, and scoured the whole county for twelve miles, but without any information, with the exception of one man that had been out in the county the same night, and had got his horse snagged; he left him about five miles from the place, at a gentleman's house by the name of James Daniel. Mr. James Daniel told me that a gentleman by the name of Mr. John Odum left his horse there the same night, wounded by a snag. I took five men and arrested him, and brought him to our town, where his trial came off. I went into the country and summoned eight witnesses for the State; the defendant had none. By a close trial, they could not prove anything on the man, and, of course, he was discharged.

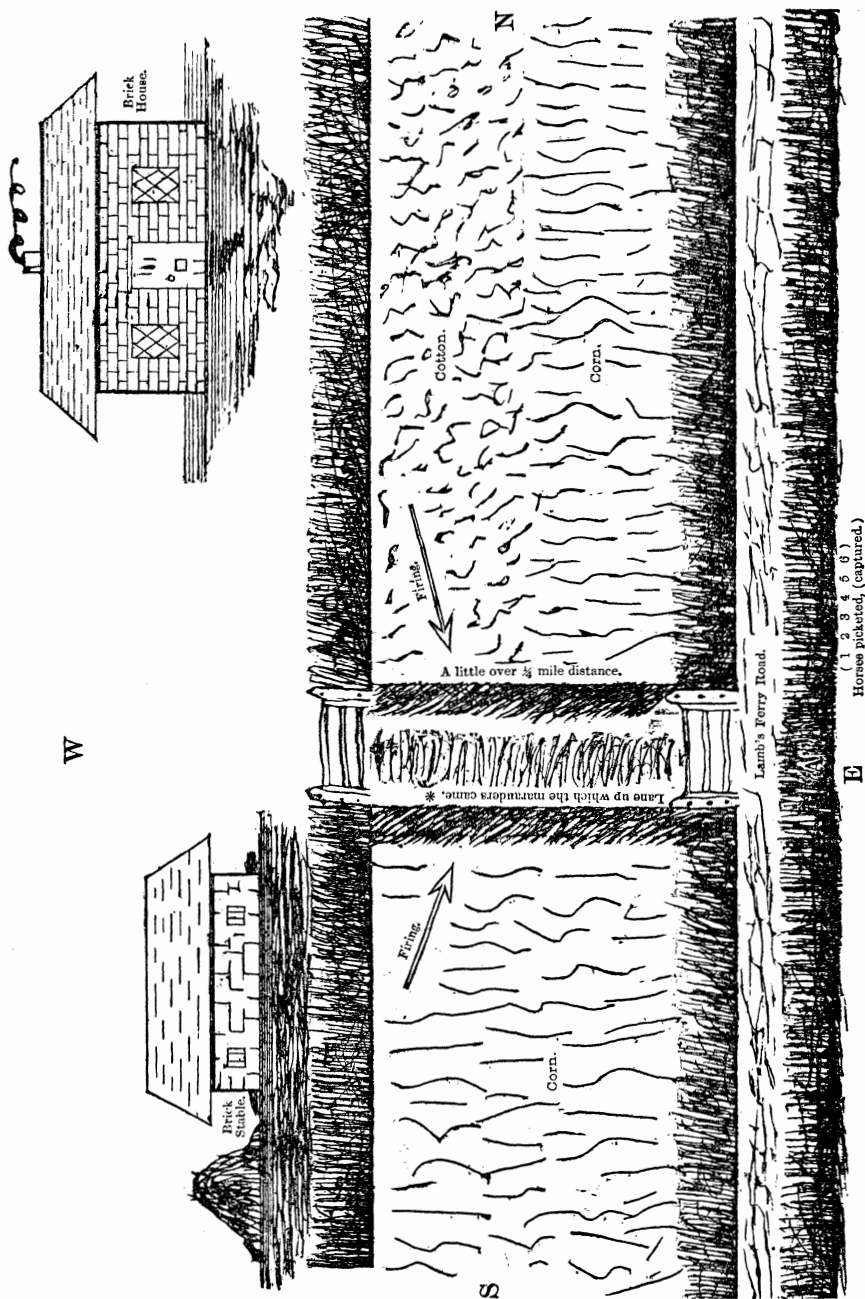
This is a true statement, to the best of my knowledge.

E. J. SIMMONS,
Deputy Sheriff.

A true copy:

J. MILLER,
Lieutenant Second Infantry.

E.



At * is where freedmen claim the man to have been killed, or received the wound, and ran to A, below.
At D, man wounded, who afterward died; found by freedmen, according to their statements.
At 1, 2, 3, 4, 5, 6,) horses picketed. (Six horses captured.)

Compared with original and found correct.

J. MILLER,
Lieutenant Second Infantry.

[No. 16.—Class first, 1870.]

HEADQUARTERS COMPANY G, SECOND INFANTRY,
Ashville, St. Clare County, Alabama, August 20, 1870.

COLONEL: I have the honor to report that another man was shot this morning as he was entering the town. In this instance it has proved fatal. The man's name is Frank Harrison; lives at Ferryville, about twenty-five miles from here. It is presumed that he came here to attend a democratic convention, which is to be held here to-day. He belongs to the anti-Springfield party. I understood that he made threats no later than yesterday that Springfield would be killed to-day. It is not yet known who did the shooting, but presumable that it was one of the Springfield party.

Without horses it is useless for me to try to make arrests out of town. I have gone to several places, from two to eight miles distant, to make arrests, but accomplished nothing, as the parties got wind of our coming. The Springfield party has possession of the town; the opposite one has cleared out, but whether to the woods or to parts unknown, no one here knows.

Captain Cook, with a portion of his company, arrived here on the 18th. He has not reported to me for duty. He stated to me unofficially that he was ordered to report to Colonel Crawford.

I am, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,
Captain Second Infantry, Commanding Company.

Colonel S. W. CRAWFORD,
Second Infantry, Patona, Alabama.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 17.—Class first, 1870.]

FAYETTEVILLE, FAYETTE COUNTY,
Alabama, October 24, 1870.

LIEUTENANT: In compliance with my directions, I have the honor to submit the following report regarding the late disturbance which occurred not far from this place. Upon my arrival here I communicated with the sheriff of the county and the judge of probate, from whom I obtained the following items:

For some time a party of men known as Ku-Klux have been committing depredations, and to counteract this an anti-Ku-Klux party has been organized, styling themselves "Mossy-backs." Men of both of these parties went to a meeting, and coming away met and shot at each other several times, wounding two men very slightly and killing one horse dead and wounding another fatally. I am informed that as yet no steps have been made to arrest either party. No calls have yet been made upon the military for assistance, but will be made as soon as horses can be had upon which to mount my men.

I would also report that the troops and myself are occupying the court-house; that the troops are well supplied with clothing, ammunition, and rations, and are well kept in hand; that I have three men unfit for duty on account of sickness. I would respectfully inclose list of calls as directed.

I have the honor to be, very respectfully, your obedient servant,

JOHN C. BATEMAN,
Second Lieutenant Second Infantry, Commanding Detachment.

Lieutenant JAMES MILLER,
Post Adjutant, Huntsville, Alabama.

[No. 18.—Class first, 1870.]

FAYETTEVILLE, FAYETTE COUNTY,
Alabama, October 30, 1870.

LIEUTENANT: I have the honor to inclose affidavit made by the sheriff of this county before the probate judge, calling upon me to assist him in arresting certain parties in this vicinity.

On the 28th instant I furnished twelve men to the sheriff, who succeeded in arresting two men, one of whom belonged to the Ku-Klux organization, and who made to me a

full and entire confession in regard to who composed the organization in their operations. He was taken before the probate judge, who dismissed him on bail, to appear next March term of the circuit court.

Yesterday I furnished six men, who went with the sheriff and his posse, and they arrested six of the Ku-Klux, (including their captains,) two complete uniforms and part of another, and of which I have possession. The six prisoners were turned over to me for safe keeping, as there is no jail here, and will probably have their trial to-morrow, the 31st.

I am requested to say that it seems impossible to bring these parties to justice any farther than to release them upon bail to appear before the next term of the circuit court, and that this plan has been tried so frequently, and has failed in each case, for the reason that the witnesses leave the country at the time of trial, and thus the case is compelled to stand over or be dismissed.

The men in my charge now are some of the leading men concerned in this lawlessness, and their guilt is clearly proven, and each one has confessed it.

I have the honor to be, very respectfully, your obedient servant,

JOHN C. BATEMAN,

Second Lieutenant Second Infantry, Commanding Detachment.

Lieutenant JAMES MILLER,

Post Adjutant, Huntsville, Alabama.

STATE OF ALABAMA, *Fayette County :*

Personally came before me, B. W. Wilson, judge of the probate court of said county, F. M. Treadaway, sheriff of said county, and makes oath that he is unable, as he believes, with his posse to arrest the various violators of the law without the assistance of the military force.

F. M. TREADAWAY, *Sheriff.*

Sworn to and subscribed before me this 30th October, 1870.

B. W. WILSON,
Judge of Probate.

Respectfully referred to Captain John C. Bateman.

B. W. WILSON,
Judge of Probate.

[No. 19.—Class first, 1870.]

HEADQUARTERS COMPANY G, SECOND INFANTRY,
Ashville, Alabama, November 20, 1870.

SIR: I have the honor to report that a man named Jessie Ingram, living some eight miles from here, was driven from his home by a band of disguised men on the 14th instant. Ingram went to Springville next day and swore warrants out against some of the parties, whom it is said he recognized as being at his house the night before. The parties whom the warrants were issued against live in Springville, and seeing Ingram there they commenced to fire at him, shooting him pretty effectually. The parties were arrested, brought to trial in Ashville, and let loose, there being no witness to testify against them.

I am, sir, very respectfully, your obedient servant,

GEO. H. McLOUGHLIN,
Captain Second Infantry, Commanding.

Lieutenant JAMES MILLER,

Second Infantry, Post Adjutant, Huntsville, Alabama.

A true copy :

J. MILLER,
Lieutenant Second Infantry, Post Adjutant.

Official copy respectfully furnished for civil file.

J. MILLER,
Lieutenant Second Infantry.

[No. 1.—Class second, 1870.]

OFFICE ALABAMA AND CHATTANOOGA RAILROAD,
Chattanooga, Tennessee, January 8, 1870.

DEAR SIR: From various representations made to me by citizens of undoubted veracity, I am of opinion that it is necessary to have a small force of soldiers to assist the sheriff of De Kalb County, Alabama, in the execution of the law. There has been many depredations committed, and, among others, many thefts. There are many other offenses which have been committed, and it is difficult, if not dangerous, in many instances for the sheriff to make arrests. I hope that you can send a squad of some six men under an officer to assist the sheriff. Let them report here to J. B. Wilkinson. On Wednesday, the 12th instant, he will conduct them on the Alabama and Chattanooga Railroad to Lebanon, or to some other point in De Kalb County, as circumstances may require.

Very respectfully, your obedient servant,

W. J. HARALSON,
Judge, &c., &c.

General CRAWFORD,
Huntsville, Alabama.

A true copy :

JAS. M. INGALLS,
First Lieutenant Second Infantry, Post Adjutant.

[No. 3.—Class second, 1870.]

STATE OF ALABAMA, *County of Madison :*

On this 26th day of February, A. D. 1870, personally appeared before me, Lewis M. Douglas, judge of probate court in and for the county and State aforesaid, Samuel Lawler, resident of Averyville, near Stevenson, Jackson County, State of Alabama, who, being duly sworn, deposes and says that on the night of the 18th of January, 1870, I, with my family, were asleep in my house, and about midnight we were aroused from sleep by some persons breaking down the paling fence, which was surrounding the lot on which I live, and these persons knocked and jumped against the door of my house, trying to break it down to get in. At the same time some of them said if I did not open the door they would burn the house down; but after they found that I would not open the door, and they could not break it open, they left. I, while they were trying to break down the door, looked through the cracks, and saw some men dressed in disguise. They had white cloths on their heads, and black gowns covering their bodies. I could not count them, but from the number of voices think there were seven or eight. They also peeped into my house through the cracks in the door, and when they saw me would say, "I see him; close up, and let's get into the house to him." My wife was standing near the door with the fire-shovel in her hands, and when they saw her they said the same, "Close up; I see the woman with a shovel; let's get in to her." About 8 or 9 o'clock this same evening I was out in the yard, and saw some men going up the road, coming from the direction of Stevenson. When I saw them I ran into my house. These men were disguised with white cloths on their heads and dark gowns over their bodies. They were afoot—walking; there were seven of them.

I further swear that on the night of the 25th of February, 1870, about 2 o'clock, while myself and family, consisting of myself, wife Sarah, my daughters Matt, Mary, and Amanda, and the husband of the latter, Robert Barbee, also my son Henry, were asleep, we were aroused by persons trying to break down the door of my house, and shots fired into the house, through the weather-boarding, near the fire-place. These parties did not say anything before they shot at and into my house. They fired about sixteen shots, one of which shots hit me on the left arm below the elbow. Another shot hit my wife on the left side of the neck, grazing the skin. When I was shot I hollowed out, "O, Lord!" Then these men ran away. I did not see them; do not know how many there were. The shots were fired one after the other. The wound is very serious, and will cause me to keep many days from my work. I believe this treatment was done to me because I was living on the ground near the new school-house for colored children, which has just been built by the Freedmen's Bureau to replace one that was there before and was burnt. The colored people in and around Averyville and Stevenson are so constantly being beaten and shot at by men in disguise at night that we have no security for our lives or property, being in dread constantly of receiving such treatment at the hands of these disguised men.

his
SAMUEL + LAWLER.
mark.

Witness:
JOHN H. WAGER.

1232 CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

At the same time and place also personally appeared before me Robert Barbee, resident of Averyville, near Stevenson, Jackson County, Alabama, who, being duly sworn, deposes and says that on the night of the 25th of February, 1870, he was in the house of his father-in-law, Samuel Lawler, at Averyville, where he and his wife live. About 2 o'clock that night I heard some men talking outside of the house, and then shots were fired into the house. The shots were fired one after the other. About sixteen shots were fired, I think, one of which hit my mother-in-law, Sarah Lawler, on the left side of the neck; another hit my father-in-law, Samuel Lawler, in the left arm, below the elbow. When he was hit he hollowed out. Then the men cried out, "Rally, boys; let's get away from here," blowing a whistle. They all left. I did not see them; do not know how many there were. These things are being constantly done to the colored people in that part of the county. We are in continual dread of our lives from these disguised men.

his
ROBERT + BARBEE.
mark.

Witness:

JOHN H. WAGER.

Sworn and subscribed to before me this 26th day of February, 1870; and I certify that the foregoing affidavits were carefully read to the affiants before they signed them.

LEWIS M. DOUGLAS,
Judge of Probate Court, Madison County.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 5.—Class second, 1870.]

STATE OF ALABAMA, *County of Madison:*

On this 28th day of February, 1870, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, Frank Bell, resident on the plantation of old Frank Bell, Madison County, State of Alabama, who, being duly sworn according to law, deposes and says: That on Saturday night, the 29th of January, 1870, between the hours of 12 and 1 o'clock, my wife, who was up by the fire sewing, awoke me from sleep, calling to me and saying that there was some one at the door. When I got out of bed I saw three men disguised. Over their heads and faces they had white cloth, and over their persons black cloth gowns. They were pointing their pistols at my wife, telling her to hush up or they would shoot her. I told them to let her alone, for they could not make her hush, as when she got into those crying spells she could not be stopped. They turned around to me, saying, "You are the man we are in search of; you are the man who has been killing stock and cutting up horses of the people around here." I said I had never done anything but shoot at a cow which had been destroying my crop for over four months. I could not keep her out of it. She had been a pest to all of us there. They pointed their pistols at me, saying, "Come out of the house. If you do not come out we will shoot you all to pieces." I went out of there, fearing they would kill me. One of the men got a piece of a board about three feet long and four inches wide, half inch thick, and beat me with it until he was tired, the other two men pointing their pistols at me. He beat me from my knees up to my shoulders with the board, using both hands to it, saying he wanted a rope to hang me with. When he stopped another took it and beat me. Then the third man beat me until he was tired. Then they made me take my gun and break it to pieces, saying if I did not they would kill me. Then they left. I was so beaten up that I could neither lay nor sit, and was in bed a week before I could do anything or more.

his
FRANK + BELL.
mark.

Witnesses:

JOHN H. WAGER.

JOHN LEE ROGERS.

Sworn and subscribed to before me this 28th day of February, A. D. 1870.

JAMES H. BONE.
Clerk Circuit Court.

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 6.—Class second, 1870.]

STATE OF ALBAMA, *County of Madison :*

On this 28th day of February, 1870, personally appeared before me, a clerk of the circuit court in and for the court and State aforesaid, James Bell, resident on the plantation owned by Huston Bell, on the Whitesburgh Pike, in the county of Madison, State of Alabama, who, being duly sworn, deposes and says : That between the hours of 10 and 11 o'clock on Saturday night, the 29th of January, 1870, I was aroused from sleep by my wife, who has been an invalid for some time, saying that there was some one in the yard. I got up and opened the door. I found, on its being opened, three men with pistols in their hands, which they pointed at me. They asked me, in a disguised tone of voice, whether I had a gun. I said, "Yes." One said, "Give it to me." I not moving at once, one of them got down off of his horse, (there were two others, in all five, on horses disguised, covered with white cloth over their heads and persons, and their horses were also covered with white cloth,) and came into the house, (one of the others said, "Kill him, God damn him,") and I gave him my gun, and he then handed it out of the house to one of the other men. The man who was in the house then asked me if I had a pistol. I said, "Yes." He said, "Give it to me." I not liking to give it up, these men outside said, "Kill him, God damn him; do not wait a moment." I, being in fear of my life, gave it to him. Then he said, "Come out of the house." Being still afraid, I did not go out; these men said, "God damn him, kill him; do not wait." I went out, and they told me to break my gun. They made me hit the fence with it, breaking the stock and bending the barrel. They kept my pistol. They shot my dog.

his
JAMES + BELL.
mark.

Witnesses :

JOHN H. WAGER.
W. M. ROPER.

Also, at the same time and place, personally appeared before me Joshua Harris, a resident on the plantation of Huston Bell, on the Whitesburgh Pike, in the county of Madison, State of Alabama, who, being duly sworn, deposes and says : That on the night of January 29, 1870, between the hours of 10 and 11 o'clock, I was asleep in bed; was aroused by some men who broke my door open, and came into my house. There were two men who came into the house. I jumped up as soon as I heard them, and saw one of them take my gun from the corner of the room, and told me to come out of the house and break it, which I did. They then asked me if I had a pistol. I said, "Yes." He told me to get it, but I did not go at once. One of the other men said, "Where is the rope? hang him." I, fearing for my life, then got my pistol, which they carried off with them; they left as soon as I gave them my pistol. There were three men outside of the house, in all five men; they were on horses, disguised, covered their heads and persons with white cloth; also, their horses were covered with white cloth.

his
JOSHUA + HARRIS.
mark.

Witnesses :

JOHN H. WAGER.
W. M. ROPER.

Sworn and subscribed to before me this 28th day of February, 1870; and I hereby certify that the foregoing affidavits were carefully read to the affiants before they signed their names by making their marks.

JAMES H. BONE,
Clerk Circuit Court.

A true copy :

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 7.—Second class, 1870.]

DECATUR, ALABAMA, *March 31, 1870.*

DEAR GENERAL: I beg leave to make the following report to you about the unsettled state of affairs in our (Morgan) county :

There are two armed parties of armed men camped out in the woods, and both parties are very hostile to each other, and some are loud in proclaiming that nothing but blood will do them.

I have been notified by the probate judge, through another man, that I must not come to Somerville, or in the upper end of the county, as it would not be safe; that I could not execute the law. It is impossible for me to preserve order, and I am obliged to resign, or at least to suspend business for the present.

Most respectfully,

H. G. THOMAS,
Sheriff of Morgan County.

General S. W. CRAWFORD,
Commanding United States Troops at Huntsville.

A true copy:

P. H. FLOOD,
First Lieutenant Second Infantry, Post Adjutant.

[No. 8.—Class second, 1870.]

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 24, 1870.

DEAR SIR: I am in receipt almost daily of letters from the counties of Sumter, Greene, and Tuskaloosa, giving accounts of murders secretly committed by the organization known as Ku-Klux. Especially does Sumter take the lead at this particular time in these diabolical outrages upon unoffending citizens. I write you this to insist that you assume the responsibility of keeping the troops in Eutaw till after the election, and also send a company of troops to Livingston, Sumter County. I know full well that the entire delegation here will indorse this course. And, if necessary, I can get the Secretary of War to issue an order to this effect, though I am of the opinion that the President and Secretary of War would prefer not making such an order, as it would be said that he was assuming the responsibility of carrying the election by armed force, and it would raise a howl against the President. As to the present executive of the State doing anything, I have long since despaired. Dr. Cloud has just returned from a tour through that part of the State, and his accounts to me in a letter received this evening are indeed discouraging.

We are already indebted to you for the little peace and order that has been in our State, and my constituents are writing me the most imploring letters to use my influence to have the troops retained in Greene, and others sent to Livingston immediately. Will you do our suffering people this simple act of justice? I know full well your feelings on this subject, and I do hope you will not hesitate to comply with the request of a large majority of the people of these counties by giving them the protection they so much need. You have no doubt seen an account of the recent murders of Eldridge and Blowse in Sumter County. Eldridge, one of the oldest and most respected citizens in the county, murdered in cold blood, like Boyd and a hundred others, because they were but true to the Government which, thus far, through the imbecility of a weak-kneed governor, has failed to give them relief. How our people have suffered for the want of some one who would dare to do his duty as the chief executive of the State. Thank God, the next election will be held by the United States marshal, and, if he will but do his duty, balloting can go on at the polls without fear, threat, or intimidation.

If we can but have a fair vote the State will go republican 20,000. I am confident of these results. I know that you will do your whole duty, and all that we request is a fair vote. I shall be glad to hear from you at an early day.

I have the honor to be, general, your obedient servant,

CHARLES HAYS.

General S. W. CRAWFORD, *Huntsville, Alabama.*

[No. 9.—Class second, 1870.]

ASHVILLE, ALABAMA, *July 10, 1870.*

MY DEAR SIR: It is impossible and useless to attempt to give detail, but I can assure you that it is a settled fact that troops must be sent at once for the protection of the county. I wish you could know a tenth part of the facts.

I have the honor to subscribe myself your obedient servant,

— SANDERS,
Clerk Circuit Court, Saint Clair County, Alabama.

General CRAWFORD.

We most heartily concur in all that Mr. Sanders has said, and most earnestly ask your early attention in the premises.

JULY 10, 1870.

HENRY DEBERRY,
Judge of Probate.
JOHN H. NELSON,
Postmaster.

A true copy :

JAMES MILLER,
First Lieutenant, Second Infantry, Post Adjutant.

[No. 10.—Class second, 1870.]

SELMA, ROME AND DALTON RAILROAD,
GENERAL SUPERINTENDENT'S OFFICE,
Patona, Alabama, July 12, 1870.

DEAR SIR: Matters in this section have assumed so serious a nature that I apply for a force of at least one hundred men to be sent here at once. The officers of the State are powerless. Last night a Mr. Luke, teaching a negro school, was hung near here. He was engaged in teaching at this place. Also two negro men were hung at same time and place, and two others shot dead. These were arrested yesterday by the civil authorities, on account of some disturbance which occurred on Sunday evening; and, the trial not being through, they were left in the custody of the sheriff and deputy sheriff, with a posse to support them. About midnight a gang of some fifty to sixty disguised men took from the sheriff and others Mr. Luke and the four colored men, whom they carried about one-half mile, and hung Mr. Luke and two colored men, and shot the other two. The sheriff says he can do nothing. We must have help at once. Excitement very high, and strongest kind of threats made towards employes here, including northern men and colored men.

Let me know by telegraph, on receipt of this, what I may expect from you.

Very respectfully,

E. G. BARNES,
General Superintendent.

General CRAWFORD,
Huntsville, Alabama.

[No. 11.—Class second, 1870.]

SELMA, ROME AND DALTON RAILROAD,
GENERAL SUPERINTENDENT'S OFFICE,
Patona, Alabama, July 12, 1870.

DEAR GENERAL CRAWFORD: I write the inclosed hurriedly. Act for us at once if possible; I have not time to give all particulars; it is worse than I can pen.

Let me hear the instant you receive this. I cannot wait on the governor; he has been misled, and I appeal to you direct. Captain Barry is still East.

Truly, yours,

W. S. McELWAIN.

The bearer, Captain Torme, can be depended on under all circumstances.

W. S. McELWAIN.

[No. 12.—Class second, 1870.]

STATE OF ALABAMA, *Madison County:*

Before me, Lewis M. Douglass, judge of the probate court in and for said county and State, this day personally came John McManman, who makes oath that on the night of July 12, 1870, near Scottsborough, Jackson County, Alabama, about the hour of 11 or 12 o'clock, he was taken out of his bed, and from the house of James Stealie, by the following-named persons, to wit, James Stratton, George Dobbs, Dick Andrews, Bill Edwards, — McClelland, and three others, whose names to affiant are unknown, one of whom affiant says is a dentist by profession, and resides in the city of Huntsville, and was forced by them to go about one-half a mile from said Stealie's house, on the road leading to Scottsborough. They then, after making him take all his clothes off, forced him down on his side, James Stratton standing on his head with his feet while — McClelland beat him with sticks and brush, cut at the time by the other

persons present, and named as aforesaid. They then assisted him to rise to his feet. Dick Andrews took him about five or six paces from the road in the bushes. James Stratton ordered Andrews to cock his gun, and, as he gave the order to fire, to shoot him down. Stratton then ran up to him with pistol in hand, cocked, and struck it against his head, saying that he intended to kill him; said McClelland and Stratton, assisted by others of the party, again forced him down on his stomach, and he was again beaten by McClelland and Stratton until his back, sides, arms, and legs were badly lacerated, and many other acts of violence were committed on the person of affiant.

his
JOHN + McMANMAN.
mark.

Subscribed and sworn to before me by making his mark this 14th July, 1870.
LEWIS M. DOUGLASS,
Judge Probate Court.

[No. 13.—Class second, 1870.]

CROSS PLAINS, *Alabama*, July 19, 1870.

LIEUTENANT: In accordance with your request, I proceed to furnish you with the following details of what I know in regard to the late lamentable disturbance between the whites and blacks of this place.

On Sunday night, 10th of July, I was awakened from sleep at my residence by the sound of guns or pistols. While getting up and putting on my clothes I was called and told that there was some terrible fighting going on in Cross Plains. In a short time I was on the spot, in the center of our village, and found several of our community collected there, and a state of intense excitement prevailing. I naturally wished to know the cause, and gathered from the crowd the following: A short time previous, and immediately after the close of services at church, those persons (men, women, and children) who lived in that part of the village were returning quietly to their homes, when they were fired on by a large band of negroes; that some of the men in the party, being armed, returned the fire, and that the negroes began to retreat, firing as they retreated, toward Patona, where quite a number of negroes live. I also learned that danger was reasonably apprehended of a return to the attack, with greatly increased force.

The prevailing sentiment seemed to be to follow up the party and kill or capture the rioters. I was unanimously chosen leader of the citizens, and accepted the position, with the understanding that I must be obeyed throughout until some of the civil officers could be summoned to the scene of action. I immediately stationed pickets at different points, with instructions to watch for the approach of the marauders, and to give the alarm. A messenger was at once dispatched for Slade Nabors, justice of the peace, who lives some miles in the country. I then wrote a note to Mr. Williams, the sheriff of the county, stating briefly what had occurred, and begging his immediate attendance for the purpose of bringing the offenders to trial. The names of quite a number of citizens were signed to the request. I instructed a young man to proceed by next train to Jacksonville, with a note to the sheriff. The train came down in about one and a half hours—at, I presume, about 3 o'clock. Previous to that time, on consultation, I had determined to go down on train to Patona, for the purpose of preventing any of the offenders from leaving on the train. I took ten or twelve men with me. I caught none at the trains, but being informed by a railroad man present that one of the negroes had been slightly wounded in the affair of the previous evening, I determined to take him into custody, for fear of his escaping before a warrant could be procured. His wounds were very slight—with small bird-shot. We were starting back to Cross Plains with this one, when others were seen and recognized by some of the men, all with either guns or pistols in their hands, and on either side of the railroad. After some difficulty two more of them were arrested, and the whole party then ordered to return with prisoners to Cross Plains. About this time I discovered armed men (negroes) approaching in a very threatening manner. I ordered them to halt, and threatened to let the men fire on them if they advanced another step. They halted, and we proceeded to Cross Plains with prisoners, where we found the justice of the peace, Slade Nabors, to whom the prisoners were immediately turned over. A warrant was immediately issued for these, and many others believed to be concerned in the riot. I was deputed by the magistrate to summon a posse and execute the warrant. I summoned every man on the streets, (a good many had collected by this time,) and returned to Patona, where I arrested quite a number of negroes. Some asked to come along, saying they wished to prove themselves not connected with the affair. There was also one white man arrested. His name was Luke, and was recognized by some of the men as one of the attacking party of the night before. I again returned to Cross Plains, bringing prisoners. I found the sheriff of the county, Mr.

Williams, and his deputy, Mr. Smith, both there, having promptly started on receipt of my note of night before. All the prisoners were immediately taken charge of by the sheriff, and I went home for rest. I understand there were other arrests made by the sheriff during the day, but cannot tell, as I was not on the street any more until late in the evening. At that time I found the court adjourned until next morning, and some accused persons in charge of the sheriff's guard. Among them was the white man, Luke. I believe there were five negroes besides, but didn't count them. I returned home, and after supper walked down town again. Found prisoners and guard in charge of deputy sheriff Smith, on the piazza in front of Nelson's new store. Several persons were standing around talking over recent occurrences. I went down to the hotel and sat for a long time in conversation with Sheriff Williams and other gentlemen on the front gallery. Pretty late, probably between 11 and 12 o'clock, and after Mr. Williams had gone up stairs, to bed I suppose, I asked a gentleman present to walk up home with me. We started, but had gone but a short distance across the railroad when we encountered a large company of disguised people, who passed us almost noiselessly. They were on foot, and went rapidly toward hotel we had just left. We each expressed our belief that they would take the prisoners from the guard, and we said to each other that it ought to be prevented, if possible. We returned immediately to hotel; found it completely surrounded by them, some of them making low, strange noises. The hotel-keeper begged them not to enter his house, as there were ladies there, and they would be frightened, &c. I told them if they were after the prisoners that they would not find them there. One of them then asked me where they were. I replied that I did not know. By this time the whole street seemed to be full of them. Most of them were making their way up town toward the stores. All that I saw had pistols; some had guns, and some a pistol cocked in each hand. When I got up near the place where the guard and prisoners were, I heard the deputy sheriff, Mr. Smith, expostulating with them in the most earnest manner to desist from what he supposed to be their design. He told them that resistance on the part of himself and guard to such numbers would be a useless sacrifice of life, if they were determined; but he plead with them, as he was an officer of the law, to be allowed to discharge his duty, and keep the prisoners in custody, saying that when they were proved guilty they would suffer the penalties of the law. All this time they were standing close to him and the guard, with their guns and pistols cocked almost in their faces. I walked around to one end of the piazza, and found some engaged cutting up rope into several pieces. As the deputy closed, I stepped up quickly to his side, and, in as earnest a manner as I could, told them that I believed they had come here thinking that they would do this community a service, but it was believed that such proceedings would not only not benefit us, but would prove to be a very serious injury. I told them that there was no time to inquire into the guilt or innocence of the parties; that the proper law officers would do that. I closed by stating that I felt authorized by the community to say that they were committing an outrage that would be pernicious in its effects, and to entreat them, by every feeling of humanity, to go away and leave everything as they had found it. While I was speaking, some appeared to be listening, while others seemed to be getting a little closer to the prisoners. I heard no response, except that common slang expression, "Shoo, fly," from some of them, in a low tone of voice. Before I ceased speaking, some of them fell upon the prisoners from behind, and began putting ropes around their necks, while others forced the guard off the end of piazza, with pistols at their breasts and faces. These things transpired quicker than it requires to write them. They hurried off the prisoners down the street, some of them in rear of the party, walking backwards, with their fire-arms leveled at the crowd.

This is as plain and truthful a statement of what I know in regard to the matter as I can make from my observation, and is very respectfully submitted.

Yours, truly,

A. D. BAILEY.

Lieutenant ULIO,
Commanding United States Troops.

Statement of C. J. Sharp in regard to the recent disturbance at this place on Sunday night, the 10th instant.

CROSS PLAINS, ALABAMA, July 19, 1870.

About 8 o'clock on the night mentioned I was attracted by an unusual noise at or near my store, and went to see about it. On coming to the horse-rack, near my store, I met Mr. Gira, who was about starting to church, and in a few moments a crowd of negroes, about one dozen, appeared at the old well near the cross street. They stood and talked a few moments; heard them say, "They are not the ones we are after;" they

then went off up the White Plains street. I then went home and lay down on the bed, near a window, to watch what might be going on. I then heard two or three shots fired in the direction the negroes went. About the time service at church was closing I saw two negroes returning and going toward the depot or hotel, when soon I heard a keen, loud whistle in the direction the two went, and a few moments seven more came, and when they got near Mr. Johnson's store-house they commenced firing toward a party of ladies and gentlemen as they were returning from church, at a distance of not more than sixty feet from them. Very soon one shot was made by the whites in return, when the negroes retreated, turning back to fire as they retreated or run. Several other shots were fired by the whites as they were retreating.

C. J. SHARP.

CROSS PLAINS, ALABAMA, *July 19, 1870.*

I herein submit a statement of what I know about the disturbance at this place on Sunday night, the 10th instant. Having gone after a doctor, about 8 o'clock, to come and see my wife, who was quite sick; on my return, when about the well at the cross street, I saw near about one dozen armed negroes. I drew near them. They appeared to be angry and excited; heard one say, "Boys, let us go back;" don't know which one; another replied, with an oath, that he came to attend to matters and would do it before he left; that he did not come here to be run off; to which all seemed to give their consent or sanction. I then set down at Mr. Dailey's store, waiting for the doctor to come in. While sitting there Oliver Dukes, a colored man employed at the hotel, came and told me that the negroes were preparing for a fuss. I then went to the church to let it be known there. I then returned home, when, immediately, a signal shot was fired at or near the railroad, and then the firing seemed to be general near the center of town. I did not see anything of it.

E. L. HESTERBY.

No. 14.—Class second, 1870.]

STEVENSON, ALABAMA, *September 2, 1870.*

To General CRAWFORD, *Huntsville, Alabama:*

The within statement of Mr. J. J. Roache was handed to me to be sent to you, through the corporate authorities of this town, and the statements therein made (I am sorry to say) are true. The corporation of Stevenson is a one-horse concern, and not able to protect any man when a dozen or more disguised men come to do anything with him. There are citizens here who want a garrison of troops here, but are afraid to put their names to a petition for the same.

Hoping that you may examine this statement in a favorable light, I remain yours, truly,

S. CRAWFORD, *Mayor.*

A true copy:

JAMES MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[Indorsements.]

HEADQUARTERS POST OF HUNTSVILLE,
Huntsville, Alabama, September 4, 1870.

Respectfully forwarded to the assistant adjutant general, Department of the South.

C. FRED. TROWBRIDGE,
Captain Second Infantry, Commanding.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Atlanta, Georgia, September 6, 1870.

Respectfully returned to the commanding officer, post of Huntsville, Alabama. The time has arrived when Alabama should be able to enforce her own laws and protect her citizens without reference to the military force of the United States. The troops applied for will not be furnished.

By order of Brigadier General Terry:

J. H. TAYLOR,
Assistant Adjutant General.

HEADQUARTERS POST OF HUNTSVILLE, THOMAS BARRACKS,
Huntsville, Alabama, September 8, 1870.

Respectfully returned to Mr. James J. Roche, inviting attention to the foregoing indorsement from headquarters Department of the South.

By order of Captain Trowbridge :

J. MILLER,
First Lieutenant Second Infantry, Post Adjutant.

[No. 15.—Class second, 1870.]

THE STATE OF ALABAMA, *Madison County* :

Before me, James H. Bone, clerk of the circuit court in and for said county of Madison and State of Alabama, personally came Lucinda Ford, who, being duly sworn, saith that she and her brother, Jesse Ford, and John Fuller, live on the plantation of William Sanders, in Madison County, Alabama; that they cultivated and raised a crop of cotton and corn on said plantation during the present year, (1870.) Affiant further says that about 10 o'clock on the night of October 8, 1870, while she and her brother, Jesse Ford, and John Fuller were in their house on said plantation, some persons came to their door and knocked, at the same time demanded admittance, and said, "God damn you, if you do not open the door we will break it down, and kill you all when we get in." John Fuller then asked, "Who are you, and what do you want with us?" The person on the outside answered, "We want John and Jesse." After a time, fearing that the door would be broken open, and all inside killed, John Fuller opened the door. As the door opened two men came in the house; they wore masks or disguises, both, on their faces and persons; they had pistols in their hands, and placed them to the breast of John Fuller and Jesse Ford, saying at the same time that they would kill them if they did not leave the house and go with them; that they wanted to give them a good whipping this time, and that they would come again, and if they found them on the plantation they would hang them all. The men with the masks on said there was a company outside of the house, and if John and Jesse resisted they would call more men inside. One of the persons in mask struck John Fuller in the face with a heavy stick or club, and forced him from the house. As they were passing from the house Jesse Ford escaped to the bushes near the door. The men in masks continued to curse Fuller till they were out of hearing. Affiant further swears that John Fuller did not return until about 2 o'clock the next morning, and when he did return his head, face, and body was badly cut and lacerated. Affiant further says that he (John Fuller) was so seriously bruised and cut on his legs that he was almost unable to walk, but left the plantation soon after he returned to the house. Affiant further says that the men in disguise swore that they would return soon, and if they found John Fuller and Jesse Ford on the plantation they would kill them. Affiant further says that she has not seen John Fuller, or her brother, Jesse Ford, since said night, as aforesaid, nor can she find any traces of them.

her
LUCINDA + FORD.
mark.

Witnesses :

MADISON HUTCHINSON.
JOHN M. CROSS.

Sworn and subscribed to before me this 15th day of October, 1870.

JAMES H. BONE,
Clerk Circuit Court.

[No. 16.—Class second, 1870.]

STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
Montgomery, October 15, 1870.

GENERAL: Herewith I send a copy of a letter addressed by W. B. Bowen, of Macon County, to Hon. John D. Cunningham, judge of the city court of Montgomery, and by Judge Cunningham submitted to the executive department. The letter explains itself. I will merely add that Mr. Bowen is one of the best citizens of Macon County. Whatever he writes is entitled to the fullest credit.

Very respectfully,

D. L. DALTON,
Governor's Secretary.

General S. W. CRAWFORD,
Huntsville, Alabama.

A true copy :

JAMES MILLER,
First Lieutenant, Second Infantry, Post Adjutant.

TUSKEGEE, ALABAMA, *October 13, 1870.*

SIR: On Monday night, the 3d of the month, a party of armed men went to the colored church in this place and fired into the congregation while they were quietly engaged in attending to some church matters, killing two and wounding several others. I am glad to say the wounded are all up and doing well. Since which I hear that a church and a school-house belonging to the colored people have been burnt down. Other places of worship were burnt before. Judge Strange, as you know, is absent on his circuit. If he were present I do not know what he would do in trying to ferret out the evil-doers. But the other officers of the county are making no effort whatever to find out the evil-doers, except, they say, that they are making inquiries on the street corners to find some evidence upon which to proceed.

Of one thing there can be no doubt, and that is that all the republicans of this county are depressed and flurried at the hands of the lawless. There is a system of espionage exercised toward what few of us whites there are who propose to vote the State republican ticket, so we dare not move except in the most quiet and secret manner. I believe, unless something is done to assure the colored people from interruption in voting, we will not poll one thousand votes in this county for the republican candidates, either on the State ticket or for county officers.

I would write the governor, who I know would receive it kindly, but the mails are watched, and I shall have to content myself with asking you to show him this letter. What is best to be done, I am at a loss to know. The local officers will never ferret out the evil-doers. As to what is the best course to give confidence to the colored people that they will be allowed to vote, I am inclined to think blue coats and brass buttons the best argument to their minds. I would that you knew how things were in this county.

I am, very truly,

W. B. BOWEN.

Hon. JOHN D. CUNNINGHAM,
Montgomery, Alabama.

A true copy:

S. W. CRAWFORD,
Colonel, Second Infantry, Brevet Major General.

[Telegram dated Montgomery, Alabama, August 14, 1869; received at Huntsville, Alabama, 14th.]

To General Crawford:

Doctor Collins, arrested here, is on way to Lawrence County for preliminary trial, on charge of shooting Doctor Haughey. Please dispose troops so as to insure him safe conduct from Chattanooga, and trial free from molestation.

WM. H. SMITH,
Governor of Alabama.

[Telegram dated Montgomery, Alabama, August 14, 1869; received at Huntsville, Alabama, 14th.]

To General Crawford:

Have troops at Chattanooga Sunday morning, to accompany Dr. Collins to Courtland, and protect him from apprehended mob violence.

C. W. BUCKLEY,
M. C.

[Telegram dated Montgomery, Alabama, August 23, 1869; received at Huntsville, Alabama, 23d.]

To General Crawford:

Please order immediately a portion of troops here to Fort Deposit, Lowndes County, to be in readiness to assist sheriff, who is about to proceed against numerous offenders. This is deemed imperatively necessary to enforcement of law and preservation of peace.

Answer.

WILLIAM H. SMITH,
Governor of Alabama.

[Telegram dated Stevenson, Alabama, February 28, 1870; received at Huntsville, Alabama, 28th.]

To Commanding Officer :

There are three negroes arrested here for firing into dwelling-houses last night; fear disguised men will attempt to take them out this night to hang them. Will you not send a squad of soldiers to guard them? Send on special train immediately. I do this at request of citizens. Answer.

S. CRAWFORD,
Mayor.

[Telegram dated Stevenson, Alabama, March 1, 1870; received at Huntsville, Alabama, March 1.]

To General Crawford, commanding :

Guard needed here; civil guard overpowered and prisoner taken out by Ku-Klux; our lives in danger. Officer in charge refused to stay.

R. STARKWEATHER,
Teacher.

[Telegram dated Montgomery, Alabama, April 1, 1870; received April 1.]

To General S. W. Crawford :

Lawlessness in Morgan County is reported to this department. You will please to put it down by the military; do whatever you deem necessary to stop lawlessness, maintain tranquillity, and enforce laws.

W. H. SMITH,
Governor of Alabama.

[Telegram dated Opelika, Alabama, April 3, 1870; received April 4th.]

To Major General S. W. Crawford, or the officer in command at Huntsville, Alabama :

I request that you furnish the sheriff of Morgan County a sufficient number of troops, under a discreet officer, to enable him to arrest rioters in that county.

W. H. SMITH,
Governor of Alabama.

[Telegram dated Montgomery, Alabama, April 4, 1870; received at Huntsville, Alabama, 4th.]

To General S. W. Crawford :

Solicitor of Greene County outrageously murdered by disguised men, over thirty in number; terrible condition of things there; please dispatch military to Entaw with full authority and discretion to do whatever is necessary to bring offenders to justice, protect life and property, and preserve law and order; a very small number of troops sufficient.

W. H. SMITH,
Governor.

[Telegram dated Porterville, Alabama, July 8, 1870; received at Huntsville, Alabama, 8th.]

To General Crawford :

Send a company of soldiers to Ashville at once to keep the peace; two hundred men are under arms.

W. J. HARALSON.
L. J. STANDIFER.

[Telegram dated Chattanooga, Tennessee, July 12, 1870; received at Huntsville, Alabama, 12th.]

To General Crawford, commander, Huntsville, Alabama :

Thirty-six armed men got on our train last Saturday, at Ashville, and went to Springville; they refused to pay their fare. They said the sheriff would settle it. We desire you to send troops.

J. C. STANTON,
General Superintendent.
J. B. WEAVER,
Superintendent.

[Telegram dated Montgomery, Alabama, October 11, 1871; received October 11th.]

To General Crawford :

Can you send on my requisition a company of United States soldiers to Marengo County on to-morrow or Friday? There are troops at Meridian more convenient, possibly, than those under your immediate command. Inform immediately and I will telegraph more fully.

ROBT B. LINDSAY,
Governor of Alabama.

Affidavit of Wilie McGregor.

STATE OF ALABAMA, *County of Madison :*

On this 18th day of May, 1871, personally appeared before me, James H. Bone, clerk of the circuit court in and for the county and State aforesaid, Wilie McGregor, resident of Limestone County, State of Alabama, who, being duly sworn, deposes and says that on or about the night of Monday, 15th May, 1871, while he was at his son-in-law's, William Lambert, seven miles northwest from Athens, near Johnson's Mills, about 8 p. m., three men dressed in disguise came into the room where the family were assembled, and I was lying on a bed in that room. The door being part open, they walked in without knocking, with pistols in their hands, and came to the bed he was on; one of these men told him to get up and go with them, he spoke in a disguised voice, and he took hold of me by my shirt bosom, which he tore in trying to pull me up from the bed, by jerking me off the bed—not giving me a chance to get up myself; they kept hold of me, and still kept their pistols pointed at my person, forced me out of the house, (one of the other men came to my left side and the other behind me,) and made me walk about two hundred yards from the house; they all this time were talking to me, but I cannot now remember the words or their expressions; they were evidently uttered in a disguised tone of voice. When they halted they got a rope, which evidently to me they had brought with them, and put the said rope around my neck, the other end they threw over a limb of a tree; the said limb, I am certain, was large and strong enough to bear more than my weight, and stretched the rope sufficiently to cause me much pain, and to choke me, saying at the same time that they wanted me to give them one hundred dollars; that a man had lost that much, and that I had taken it and must confess the taking and give it to them; they did not mention any name as that of the owner of the lost one hundred dollars. I told them that I did not have the money, that I had not taken it, and would die before I would confess any such thing. I said, if you will spare my life, I will pay to Tobe Taylor one hundred dollars to-morrow, before or by 10 o'clock; then they said, if we let you go now, will you be sure to pay this money? I promised them again, and as many as three or four times I promised them to do so. They then took the rope from around my neck, and one of them struck me on the back of the neck with, I think, a gun-barrel, saying, now double-quick to the house. When we reached the outside of the house I saw three or four more men, but they did not come down to the tree.

WILIE MCGREGER.

Sworn to and subscribed before me this 18th day of May, A. D. 1871.

JAMES H. BONE, *Clerk.*

THE STATE OF ALABAMA, *County of Madison :*

I, James H. Bone, clerk of the circuit court in and for said county of Madison, State of Alabama, do hereby certify that the above and foregoing affidavit is a correct and true copy of original now on file in this office.

In testimony whereof I hereunto set my hand, at office, in the city of Huntsville, this 18th day of May, A. D. 1871.

JAMES H. BONE,
Clerk Circuit Court.

DEMOPOLIS, ALABAMA, *October 24, 1871.*

BETSEY WESTBROOK (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. I have been staying down with Judge O'Connor, but he has moved out, and I am fixing to move myself.

Question. Where did you live before you came here?

Answer. In Jefferson; in the city of Jefferson.

Question. Is that in this county?

Answer. It's about eleven miles from here, down in Jefferson beat.

Question. What was your husband's name?

Answer. Robin Westbrook.

Question. Has he been killed?

Answer. Yes, sir; he was killed.

Question. How long ago?

Answer. He was killed the 18th of July.

Question. Of this present year?

Answer. Yes, sir; this year.

Question. Where was he killed?

Answer. He was killed right in the house, right where I was staying, living with a man named James Norwood.

Question. You may give to the committee the particulars of his being killed?

Answer. Yes, sir.

Question. Go on and state the whole case.

Answer. At the first beginning they came up behind the house that night—the white men came up behind the house.

Question. Did they have disguises on their faces?

Answer. One of them had his face smutted, and another had on a knit cap on his face.

Question. How many of them were there?

Answer. Six men came in the house and one staid at the door, making seven, and there was some standing at the windows.

Question. Were they armed?

Answer. Yes, sir, all were armed; they all had arms with them that I saw.

Question. Pistols?

Answer. Yes, sir. The man that killed my husband had a pistol about that long, [six inches.]

Question. Was this after night?

Answer. Yes, sir, about 11 o'clock at night.

Question. Had you gone to bed?

Answer. I was gone to bed, but he was not.

Question. What did these men say they came for?

Answer. They didn't say. They first came and shot about seven barrels through the window, at the end of the house, at his head. He called Mr. Norwood, and told him somebody was breaking in the house, and Mr. Norwood, after he heard him, came out, and they told him not to come; they didn't wish to hurt him. They told him to open his door. He said he wouldn't for any man at that time.

Question. Who?

Answer. The white man. They said, "You had better open it, it will be better for you." One of them said, "Get a rail and bust the door down." They went to the fence and got a rail and broke down the outside door. We shut ourselves up then in another room in the back of the house, and they got another rail and busted open the back door, and one of them said, "Raise a light." I was sitting on a little basket on the hearth. They picked it up and pitched it in the fire, and it had grease on it, and it blazed up and made a light. Then they saw where they stood, and one of them run in and began to strike him over the head, and says, "You are that damned son of bitch Westbrook?" He says, "Yes, I am." The man struck him with his gun. The man had a gun and run at him and struck him on the head, and his hat fell off of his head. Then my husband took the dog-iron up and he struck three or four of them, and the first man he struck he knocked down. They got him jammed up in the corner, and one man went around behind him and put two loads out of a double barreled gun in his shoulders.

Question. Did he go around outside of the house?

Answer. No, sir; but he came around behind him as he was there, and put two loads out of a double barreled gun in his shoulder, and then he dropped the dog-iron down; and another man says, "Kill him, God damn him," and he took a pistol and shot him right down, here in the neck, over the left shoulder. Then he fell right down and hollered. He didn't live more than half an hour after they shot him.

Question. What did they do then?

Answer. After he fell and hollered, then they just all got up and run out. They left that hat lying there, and one of the men came back and got that hat. That was the first man that fell. He dropped down, and they took him out of the house and set him under the chimney back of a tree, and the blood strung across the house, and the fence, and the cotton patch, and in the road.

Question. Did they go away then?

Answer. Yes, sir; but my boy was in there while they were killing my husband, and he says, "Mammy, what must I do?" and I says, "Jump out doors and run." He

went to the door and a white man took him by the arm, and says, "G—d d—n you, I will fix you too," but he snatched himself loose and got out of the door, and another one whacked him on the back of the head, but he got away. They shot two loads after him, but he got clear away. If I hadn't made him run they would have killed him too; they were going to kill them both.

Question. Did you know any of these men?

Answer. Yes, sir; I knew the voices of two before they came into the house.

Question. Give their names.

Answer. One of them was Wash. Elkins, and the other was Mr. John Crudip, who used to be the justice of the peace in Jefferson.

Question. Did you know any of the rest?

Answer. I knew Sid Lipscomb. He was in the band. I certainly knowed them three.

Question. Did they live in Jefferson?

Answer. Mr. Crudip lives there. Wash. Elkins lives two miles from there; and Sid Lipscomb about three miles.

Question. How many of those, whom you saw, had disguises on?

Answer. One of them had his face smutted, and another one had a knit cap on his face. He was a boy about four feet and a half high.

Question. What were they mad at your husband about?

Answer. He just would nold up his head and say he was a strong radical; he would hang on to that, and Wash. Elkins came here one time this summer, and went on his bond and carried him out to work on his plantation, and while my husband was in jail I went to Mrs. Norwood. He gave me a room for my washing and ironing, and when my husband got out of jail he wanted my husband to make me break my contract, and Saturday evening he got mad at my husband because he didn't make me break my contract, and then he put a chain on his neck and took him to George Whitfield's house, and they staid there all night; and Sunday they fetched him back to Jefferson again, and sent for me to come out there. I told them I wasn't going because I couldn't break my contract. He jumps over the fence and drewed that same pistol on me, and said he would blow my brains out. Ten or twelve white men were there; Reub. Bryant was there, and catched hold of his hand and told him he had better not hurt me. Mr. Norwood was standing there at the same time, leaning up against the fence, and I said I could prove by Mrs. Norwood that I made a contract to do the washing, and he said, "Don't tell me about Mr. Norwood; he is as damned a rascal as you," and he left me and catched hold of Mr. Norwood and drawed his pistol on him, and Mr. Norwood's wife went there and got him away from there.

Question. Who did this?

Answer. That was Wash. Elkins that was doing all this. He was Wash. Elkins's brother-in-law. He did this on Saturday evening because I wouldn't go. He came to the gate and told me, "Robin shall never do you no good; I'll never rest until I kill him." He told me that to my teeth, and I knowed they were going to kill my husband that week they killed him. I told him so, and I tried to get him out of Jefferson, but he said he hadn't done nothing and wouldn't go. They had promised to kill him, and I knew they were going to kill him.

Question. Was there a coroner's inquest held over your husband after he was killed?

Answer. Yes, sir. Lawyer Jackson, from Linden, was up there, and some other men; twelve were there in Jefferson beat.

Question. Were you examined as a witness?

Answer. Yes, sir.

Question. And your son?

Answer. Yes, sir; my son, too.

Question. What was done with any of those men who killed your husband?

Answer. They didn't do anything with them. They never made no botheration; they didn't seek after them. If they had sought after them they would have found some of them lying up with the lick my husband had struck with his dog-iron.

Question. You say no warrant was ever issued for the arrest of any of those men?

Answer. No, sir; they took our names down that we knew he was killed by a gun. That was all I could understand that was done. They didn't bother about anything else that I could see.

Question. Did they threaten you after that?

Answer. No, sir; they didn't say a word to me that night.

Question. But after that?

Answer. Yes, sir; after that I heard it among the black folks that they were fixing to kill me, and I had to come out and leave my bed-clothes, and all my things is in Jefferson, and I have nothing but what Judge O'Connor and his wife gave me—no bed, nothing. I left all my bed-clothes and everything there. I have nothing but just what they gave me.

Question. You say they were mad with your husband because he was a radical?

Answer. Yes, sir; he always would stand up and tell them he was a radical. He said that all the time; he was a strong radical.

Question. Were these three men whom you recognized, democrats?

Answer. Yes, sir; they was. I have never known them to be nothing else but democrats?

Question. Have you known of any other colored people being interfered with beside yourself?

Answer. No, sir; he hasn't interfered with any colored people that I know of; we hadn't bothered with them.

Question. Have any been disturbed about Jefferson at any time?

Answer. No, sir; I don't think any of the colored people had any bill against him for anything he had done.

Question. I mean to ask whether any of the colored people there beside your husband and your son have been interfered with?

Answer. No, sir.

By Mr. BUCKLEY:

Question. Have you heard of any colored men or boys being whipped down there?

Answer. Yes, sir; they whipped a fellow named Reub. Hildreth one Sunday, but the man that whipped him is dead. He died about a week and a half after my husband died.

By Mr. BLAIR:

Question. Who whipped him?

Answer. John Beaman. He cut Reub. with his knife.

By the CHAIRMAN:

Question. Have you known any other colored men in that vicinity who have been shot or shot at?

Answer. No, sir; I don't remember any others being shot while I was down there; if there was I don't remember it.

Question. Have you heard of any Ku-Klux down there?

Answer. Since I came away?

Question. At any time.

Answer. Not since I came away. I know they were there when I was down there constantly.

Question. Did you ever see any of them?

Answer. No, sir; not until that night that they came in on top of my husband to kill him.

Question. Had you heard of them before that?

Answer. Yes, sir; and was expecting them to come and kill my husband every night.

By Mr. BLAIR:

Question. Where are Wash. Elkins, and John Crudip, and Sid Lipscomb?

Answer. John Crudip lives in Jefferson; Sid Lipscomb lives about three miles from there; and Wash. Elkins about two.

Question. Are they still living there?

Answer. Yes, sir; they were all here in town a Saturday or two ago.

Question. You say Wash. Elkins got your husband out of jail?

Answer. Yes, sir; and he was mad with him because he wouldn't make me break my contract and go and work with him.

Question. Answer my questions.

Answer. Yes, sir; he got him out of jail.

Question. What was he in jail for?

Answer. Him and Doctor Smith made a contract, after we moved down to Doctor Smith's plantation, to have two mules. Doctor Smith took his best mule away from him and gave it to another man. The other man had a stubborn mule that they couldn't manage, and he gave it to my husband, and he told him then, "You take that mule and work him;" my husband said, "You took the best mule I had and gave it to another squad, and I will not put a bridle on that mule." He says, "God blast you, if you don't do what I tell you, get off of my plantation." My husband took him at his word, and when we went down to Linden, the fourth Monday in March, he put him in jail, and he staid in jail until in June, and I believe it was in May that Wash. Elkins came and got him out, and stood his bond to get him to his plantation to go to work. I had a contract with Mrs. Norwood and wouldn't break it, and because my husband wouldn't make me break the contract, he dragged him up and down Jefferson all day Sunday with a chain around his neck.

Question. What did he want with you?

Answer. He wanted me to go and work over there. My husband said, "Let my wife stay where she is; she will be an expense to me and in my way, and she won't break her contract."

Question. What did you say about George Whitfield?

Answer. The Saturday they put a chain around his neck, George Whitfield took my husband down to his house and kept him there all night, and took him back Sunday to make me go to his house, and I wouldn't go; and they took him on Monday morning up here to Demopolis and put him back in jail. And then I was working for Mr. Bill Kelley for four bits a day, and I got him to come and get him out of jail for me. We were both then working for Mr. Kelley. As soon as I got him out to the grass (I was hoeing for him then) he said he wouldn't hoe there any longer; that they were going to kill him, and he would move to Demopolis, and before he could move to Demopolis they came in on him on Tuesday night and killed him.

Question. Where is Mr. Norwood?

Answer. He is living in Jefferson.

Question. Who held the inquest on your husband's body?

Answer. Mr. Jackson from Linden, and some other men—Zack White amongst them. I don't know all the names, but there was twelve men of them. I don't know that there was another man from Linden except Sam Jackson.

Question. Who was Mr. Jackson?

Answer. He is a lawyer who stays at Linden.

Question. Is he the coroner?

Answer. I don't know, sir, but they calls him by the name of Lawyer Jackson. They call him Sam Jackson, and he was the only one from Linden that I know anything of. He was the one that took our names down that day.

Question. Did you give your testimony before him?

Answer. Yes; and my son, too.

Question. Your son also testified that day?

Answer. Yes, sir.

Question. Did you tell them you knew Wash. Elkins?

Answer. No, sir; if I had told it I would have got killed right there before I left. I had to run out from there to keep from getting killed.

Question. Did you tell him you knew John Crudip?

Answer. I didn't tell him I knew a soul; if I had told him I would have lost my life before night. I had to keep myself hid as close as I could all the time I was there until I got a chance to slip out.

Question. Have you made any complaint against these men before any magistrate since that time?

Answer. None but Mr. Drake.

Question. Does he live here?

Answer. Yes, sir; he is here.

Question. What did he do?

Answer. He took it down on the paper.

Question. Was that all?

Answer. Yes, sir; that was all.

Question. When did he take it down?

Answer. It was week before last; took it down this last gone Thursday, a week ago.

Question. You said if they had looked for the men they would have found some of them laid up with the blows your husband had given them?

Answer. Yes, sir; if they had, they would have found some of them with the wounds he put on them; and if they had looked they would have found some of them laying up, for they bled more than he did. They strung the blood all the way from the house, and set down behind the house where the blood dropped off of the head. Mr. Norwood can tell the same. He saw where they went over the fence and strung the blood.

Question. Was Mr. Norwood examined before the inquest?

Answer. Yes, sir; he came in there after he was dead, and we had the lamp and looked where they had shot him.

Question. Was he before Mr. Jackson and the jury?

Answer. Yes, sir.

Question. Did he testify?

Answer. They didn't nobody testify but me and my son and Doctor McGowan. He stays at Jefferson beat, too.

Question. How could they look for them if you did not tell whom you thought they were; you did not intimate any suspicion who were wounded?

Answer. They couldn't look for them at all; but I couldn't tell it without being killed right there. If I had told them I would have lost my life right there. I had to keep hid all the time. I kept hid for two weeks there, before I got out.

Question. You say you came here in consequence of their threatening you?

Answer. Yes, sir; that's why I kept hid.

Question. Who told you they threatened you?

Answer. There was a black man told me about it. I met them on the street, one night in Jefferson. When I came out I would go out after dark to Mr. Norwood's, and I met two on the street, and they told me I had better get out of Jefferson as soon as I

could; that they were going to kill me, for they suspected I knew who some of them were, and they expected I would tell it, and they would kill me if they got a chance.

Question. What were the names of these black men?

Answer. I don't know the names, or who the men were; it was dark. I tried to slip out, and get out of the way of them. They just told me to get out of Jefferson as soon as I could. I never made no long tarry. I slipped out as quick as I could.

Question. Who is Wash. Elkins? What does he do?

Answer. He don't do anything but farm sometimes; he makes dwelling-houses and gin-houses.

Question. That is, he builds houses?

Answer. Yes, sir; and a farmer.

Question. Do you say John Crudip is a justice of the peace?

Answer. Yes, sir; he used to be justice of the peace in Jefferson.

Question. What does Sid Lipscomb do?

Answer. He is farming.

Question. You say there was a boy among them?

Answer. Yes, sir; about four foot and a half high. He had a knit cap over his face.

Question. Who was he?

Answer. I don't know. I did take it to be Mr. Crudip's son, but I didn't know him exactly. I took it to be him.

By the CHAIRMAN:

Question. Do you know the name of the man your husband knocked down, and who was carried off bleeding?

Answer. It was Sid Lipscomb; he was knocked down, because he laid up for two weeks from the lick he struck him.

By Mr. BLAIR:

Question. You say they killed him because he was a radical?

Answer. Yes, sir; he would just stand up and tell them he was a radical, a strong radical, and Wash. Elkins had this grudge against him; him and Mr. Crudip, too, for about two weeks. Mr. Crudip and him had a fuss one Sunday, and my boy was hired to him, and he said my husband made my boy meaner than he ever was. Crudip came up to see my husband, coming from church, and wanted to see him. I said, "Robin, he is after meddling with you." When he got in the yard, Robin turned around, and he met him with a long pine stick that he picked up at Mr. Norwood's wood-pile, and he run up to him, and struck him two licks with it. I heard something, and I thought it was him and Robin fussing. Robin snatched the stick, and said, "Don't hit me again." He took out his knife, and then I lit out of doors, and took the stick out of his hand, and took him away, because Mr. Crudip would have killed him. He came in the house, and I went out again, and Mr. Crudip started off. Robin went up the lane, and Mr. Crudip was still standing up the lane, and he said that if he came past him he would knock him down. Robin said, "I will not go out of my road; I haven't been doing nothing to nobody." Crudip says, "You shan't come out in this road." He says, "I will." Says Crudip, "Damn you, I will knock you down if you do." Robin says, "If you hit me again this evening, somebody will die." Then my husband was going up to the fence to get a rail off of it, and then I run up the lane, and got him and took him in the house, and wouldn't let him go out any more. Mr. Crudip says, "I will give you ten days to get out of Jefferson." Me and Robin was working with Mr. Kelley then, and we worked on two weeks after that fuss, and when me and him came back in Jefferson again, on Saturday morning, on Tuesday night they killed him.

Question. What did you say about Rufus Bryant taking him by the hand?

Answer. Yes, sir; he took Wash. Elkins by the hand and prevented him from striking me; he had his pistol drawn on me. Reub. Bryant told him not to do that; that it would make a mighty fuss. He told me then if I just budged he would blow a hole through me with that pistol.

Question. Was Norwood there?

Answer. Yes, sir; and both of Crudip's sons. Them three was leaning on the fence.

Question. You say he cursed Mr. Norwood, too?

Answer. Yes, sir. He said, "Don't tell me about Mr. Norwood, he is as damned a rascal as you is;" and Mr. Norwood asked him what he was making a fuss for. He said it was not him that made the fuss; it was me and his wife made the contract; and he went up to Mr. Norwood and drawed his pistol on him.

Question. What did he say?

Answer. I walked away from them and left them quarreling. I know Mr. Norwood told him he had nothing to do with it, and I left them quarreling. Reuben Bryant still held on to him and tried to stop him, and I told Mr. Norwood's wife, and she went out and brought them in the yard. Right then my husband had a chain around his neck.

DEMOPOLIS, ALABAMA, *October 24, 1871.*

TILLER REESE (colored) sworn and examined.

By the CHAIRMAN :

Question. Where do you live?*Answer.* I have been staying at Judge O'Connor's, but I have moved now and work at the steam-mill with Mr. Richardson.*Question.* Are you a son of Betsy Westbrook?*Answer.* Yes, sir.*Question.* What do you know of the killing of Robert Westbrook?*Answer.* I was there when they came to the door; I was lying down; I had just lighted my pipe and laid down. One of them came to the door and says, "Old man, open the door;" he says, "Who is that?" the man says, "Open the door;" he says, "No; I don't open my door for no man at night." The man says, "Old man, it is best for you to open the door and come out, for we are going to whip you anyhow." He says, "No; I can't help that;" then the man said, "I will break it down, then." Westbrook says, "It is not my house, it's Mr. Norwood's house." Then I heard him say, "Get a rail and break the door open," and when the man said get a rail and break the door open, he stepped to the window and hollered for Mr. Norwood, and a man ran around and shot through the window seven times at him, but didn't hit him; when they found they didn't hit him, some of them got a rail and broke the first door down and we were in the back room, and then they broke the second door and came in the room where we were. He came in with a double-barreled gun, and there were some two or three behind him.*Question.* Who came in?*Answer.* Some white folks; I took them to be folks I know; they were white folks. He says, "You are the damn son of a bitch I want," and made a lick at him with a double-barreled gun; my step-father said, "Yes, and I will hurt some of you before I get through," and the man struck him over the head with his gun; my step-father had a fire-dog in his hand, and when the man struck him with the gun he struck at the man with the fire-dog; at that the whole crowd came in and commenced shooting at him and hollered "Shoot him, shoot him." He was in the corner where my mother was, and when they commenced shooting I went out in the front room and started to go out of doors; a man was at the door and said to me, "Stand back or I will blow your damn brains out, God damn you." I stood beside the door, and a little low man, about four feet and a half high, I reckon, with a black knit cap over his head and face, caught me by the hand and led me out of doors. Before that one came out with his face all smooted and his bosom covered with blood. This little low man caught me by the hand and went to lead me out of the door, and when I got in the door I caught on the door-facing and jerked loose from him and jumped out over another man standing at the door, and as I jumped out the man struck me on the back of the head with his gun, and I run and he shot two barrels of the double-barreled shot-gun at me by the time I had run about fifteen steps, I reckon.*Question.* What did you do then?*Answer.* I kept running, and went away from there and never went back until the next morning. I went back next morning and my step-father was dead.*Question.* Did you know any of those men that came to the house?*Answer.* Well, I never saw but one of them. I saw two of them—one at the door. I saw his face and I caught his voice, who he was.*Question.* Who was there?*Answer.* I caught his voice to be Wash. Elkins. When I went to the door he said "Stand back." I told my mother next morning that that was Wash. Elkins; then this little low man with the knit cap over his head was Georgy Crudip.*Question.* How many were there that came to the house?*Answer.* I don't know, exactly; I never saw but three men, so many came in the house. My mother said there were six in the house, but I didn't see exactly how many, because we had no light in the back room. I didn't see but three, but there was so many I could not tell who they were. I told my mother there was one out of doors, and my mother said there was six in the house; that would make seven.*Question.* How many shots did you hear fired?*Answer.* I heard them twice in the house in the room where we were. The first time they shot I didn't hear anybody say anything; the next time I heard my step-father say "O Lord have mercy;" then the next two shots they fired at me, and I jumped out of the door.*Question.* Were you hit?*Answer.* No, sir; they didn't touch me neither time with the shot; they struck me once with the gun.*Question.* Who was this man that was covered with blood?*Answer.* I took that to be Sid. Lipscomb.*Question.* Who was he; did he live near there?

Answer. Yes, sir; in two miles and a half of Jefferson.

Question. Was he a farmer?

Answer. They were farming.

Question. Did you hear them say anything while they were there?

Answer. No, sir; they didn't call anybody's name; they just went to cursing and shooting; they didn't call any one's name in the bunch.

Question. What did they say to your step-father?

Answer. The didn't say anything, only they wanted him to come out of the house; he wouldn't go; but they didn't call his name; they didn't talk any with him, but said, "Shoot him, God damn him; shoot him, kill him."

Question. Did you hear them say anything about his being a radical?

Answer. No, sir; I never heard that passed.

Question. What did they tell him they were whipping him for?

Answer. I don't know, sir; I never heard.

Question. Were you there when the coroner's inquest was held over the body of your step-father?

Answer. Yes, sir; I was there.

Question. Were you examined as a witness?

Answer. Yes, sir.

Question. Who examined you?

Answer. Mr. Frank—Mr. Woolf, I forget his other name.

Question. Was Lawyer Jackson there?

Answer. I think that's the name; Frank Jackson, he was the one.

Question. Where did he live?

Answer. He staid at Linden.

By Mr. BLAIR:

Question. Was he not Sam. Jackson?

Answer. I expect so; it was Frank or Sam. Jackson, one of them; it was Lawyer Jackson; he staid at Linden.

By the CHAIRMAN:

Question. When did you come away from Jefferson?

Answer. I came away from Jefferson on the 19th of July.

Question. When was your step-father killed?

Answer. On the 18th.

Question. You left the next day?

Answer. He was killed on the 18th, and I came away on Thursday, that was the 20th. Wednesday was the 19th and I came away on Thursday the 20th, after he was buried.

Question. You came here to Demopolis?

Answer. Yes, sir.

Question. What made you leave there?

Answer. Because I heard the black folks talking about it, and saying the whites were whispering about killing me—that me and my step-father had been ruling Jefferson long enough and they had got tired of it.

Question. How ruling?

Answer. By fighting, I reckon. My step-father was a kind of a man that would not take any foolishness from a white man. If a white man would abuse him and knock him, he would knock him back. I got into a fuss with a man named Watt Bradley; he wanted to take my walking-stick and I would not give it to him; he wanted to take it from me and I knocked him down about it; he wanted to take it away from me and give it to his brother; there was a whole crowd of them jumped on me and whipped me, and I went out of doors and got me another stick and knocked him down with it.

Question. Did any of this crowd have disguises on?

Answer. I didn't see but two that I saw plain; that was the one that had the knit cap on, and the other one had his face smooted; they had on all plain, every-day clothes.

Question. Have you heard of any other colored men being whipped or abused in that part of the county?

Answer. There were some whipped down there before he was killed, I believe; there was two whipped down there; they knocked one down and laid him out for dead for a while; they said he stole some things out of the store; I don't know how that was; I was not at the store when it was done.

Question. How long was that before your step-father was killed?

Answer. About a week.

Question. How many men were concerned in whipping these negroes?

Answer. I don't know exactly how many; I was not present when it was done.

Question. Did you hear whether they were disguised or not?

Answer. Those that whipped them folks, I heard who they were that whipped these colored men at the store.

Question. How big a crowd was it?

Answer. It was right smart of black folks and white folks too; so they said; it was Saturday night; I was at home; that was at the store.

Question. Was it in daylight or at night that they were whipped?

Answer. In the night.

Question. Were they whipped at their house where they lived?

Answer. No, sir; up in Jefferson; there at the store; they lived down at the Shady Grove place, at Mr. Whitfield's place.

Question. They were whipped up at the store after night?

Answer. Yes, sir.

Question. Did you hear of any Ku-Klux down there in the night-time?

Answer. Since that time?

Question. At any time?

Answer. I heard talk of Ku-Klux down there, but I had never saw none.

Question. Do you know of any other cases where colored men have been whipped?

Answer. No, sir.

Question. Were you living on Mr. Norwood's place?

Answer. No, sir; I was not living there; I was living on a place with Mr. John Crudip, but my mother staid with Mr. Norwood, and I used to go up there some nights through the week.

By Mr. BLAIR:

Question. Was John Crudip a justice of the peace?

Answer. He used to be; they called him 'Squire Crudip; he had quit it then, I believe; I was on a farm with him.

By the CHAIRMAN:

Question. Was your step-father on Mr. Norwood's land?

Answer. Yes, sir; he was staying there of a night, but he had been working with Mr. Bill Kelly after he came out of jail; he was in jail at Demopolis, and Mr. Bill Kelly got him out, and that night he got home with his wife, and he didn't work Monday nor Tuesday, and Tuesday night they killed him.

Question. Has anybody ever been taken up or punished for killing your step-father?

Answer. No, sir, not as I know of; I have never heard of it.

By Mr. BLAIR:

Question. You say these two colored men were whipped at the store in Jefferson for stealing?

Answer. Yes, sir; that is what they said; I was not present when it was done.

Question. Were they caught stealing at the store?

Answer. They said so; some colored men told me that they saw it, and that they accused them of catching them stealing a pair of pantaloons out of the store; they said they had missed them, and he had carried them off apiece, in a haversack, and thrown them over the palings; he went back, and they asked him where was them things; he wouldn't tell them, and Dr. Smith took a stick and knocked him down, and Judd Oakley jumped on him and choked him, and told him to puke it up—to puke the truth up.

Question. Was that S. D. Smith?

Answer. Yes, sir.

Question. Did they get the clothes they had stolen?

Answer. Yes, sir; I believe they got them back; so they said.

Question. Where does Mr. Bill Kelly live?

Answer. He lived down there by Pinhook.

Question. Is it a creek called Pinhook?

Answer. No, sir; down at the forks—one goes to Jefferson and the other to Demopolis, here, on a place named Thurman; it used to be Mr. Thurman's plantation.

Question. You say you knew some of the men that shot at your father?

Answer. Yes, sir.

Question. You knew Wash Elkins?

Answer. Yes, sir.

Question. Had he any disguise on?

Answer. No, sir; I don't think he had, because he was standing out, and I saw his clear face.

Question. You know him well?

Answer. Yes, sir; I know him.

Question. You know George Crudip?

Answer. Yes, sir.

Question. What did he have on?

Answer. That is the one that had the knitt cap over his face.

Question. How old is he ?

Answer. I don't know exactly how old.

Question. Is he the son of John Crudip ?

Answer. Yes, sir.

Question. Sid Lipscomb was the man who was hurt ?

Answer. Yes, sir.

Question. Did he have anything on his face ?

Answer. He had his face smooted.

Question. He was bleeding ?

Answer. Yes, sir ; he was bleeding, and had his bosom covered with blood.

Question. Your father had hit him a blow ?

Answer. Yes, sir.

Question. Did you see him when he struck him ?

Answer. Yes, sir ; I saw him when he struck him.

Question. He struck him with a dog-iron ?

Answer. Yes, sir.

Question. Where did he strike him ?

Answer. He struck him over the head.

Question. They said that you and your father had been ruling Jefferson too long ?

Answer. Yes, sir ; he said we had been ruling it four years.

Question. You knocked Wes Bradley down ?

Answer. Watt Bradley—that was last year.

Question. Where does he live ?

Answer. He has been staying down at George Whitfield's place—that is, Mr. Gaius Whitfield's plantation.

DEMOPOLIS, ALABAMA, October 24, 1871.

SETH D. SMITH sworn and examined.

The CHAIRMAN. This witness being called by the minority, General Blair will please conduct the examination.

By Mr. BLAIR :

Question. Where do you live ?

Answer. In Jefferson, in this county.

Question. How long have you lived there ?

Answer. I have been living there since April, 1854.

Question. Are you a practicing physician ?

Answer. Yes, sir.

Question. Doctor, there is a statement made here by a witness that some negroes were charged with stealing from a store in Jefferson some pantaloons, I believe, and that you knocked one of them down, and that Judge Oakley choked him ; do you remember that ?

Answer. I remember the circumstance, or at least part of it. I was sitting down, in conversation with some gentlemen, near this store, and the merchant stepped to the door with a light, and asked where those boys were ; that attracted my attention ; some one replied that they had gone ; several went in the direction they were said to have gone, and went about a hundred yards on, a short distance down the road, and there they stopped. I went down to where they were ; there were several of them in company ; I do not know how many ; they were from the same plantation, as it proved afterward. I went up to where these men were talking ; one of them stepped aside, or rather turned his horse aside, and got down among these men, one of the negroes in the company that had been stopped ; that threw him behind with myself ; the others had turned back. This gentleman, Mr. Oakley—and I did not know who they all were, for several were along—men standing around the store ; I know Mr. Oakley was there, because he had a difficulty afterward with another negro. His stopping there threw him in company with myself. Going on up to the store, I asked him what was the matter ; he said somebody had been stealing ; he went inside, and I said, "Gentlemen, I think this man has put these things over inside of the academy lot." I called upon two other freedmen to go and search inside of the academy lot, and see if he had not there deposited his sack or bag. They came up soon with the bag ; one of them had it ; there were two in the company. When they brought the bag up there, he denied it ; his companions told him they knew he was telling a falsehood ; that it was his. I said I saw him, in my opinion, about the time he put it there, when he turned across ; that I believed he put it there at that time. He disputed my word, and I struck him one time. That was the difficulty. The bag was opened, and the pants were taken out of it. I suppose that I have been indicted by the grand jury for it. That was all that there was of that occurrence ; that was all that I had to do with it. J. W. Oakley struck

this boy after that, or choked him, I do not know which ; he had hold of him. There were several negroes there. It was not for the stealing that I had any difficulty with him ; it was for his calling me a liar, or the same thing, disputing what I had said. It had been proven, too, that these things were true by his own companions.

Question. Do you know anything of the killing of Robin Westbrook ?

Answer. I do not ; I have heard that he was killed in our little village there, but I do not know by whom, nor do I know that he was killed ; I have heard it ; I did not see him.

Question. You do not make any doubt about it ?

Answer. No, sir ; I am satisfied it is so.

Question. Was there a coroner's inquest upon the body ?

Answer. I think so ; that is my understanding.

Question. Was any one implicated at that inquest ?

Answer. Not that I heard of ; indeed, I heard that the wife of the deceased said she did not know—made oath that she did not know—any of the parties. This is simply hearsay ; I did not hear her swear it.

Question. Do you know her son, Tiller Reese ?

Answer. Yes, sir.

Question. Was he also examined before the jury of inquest ?

Answer. I heard so ; I was not there.

Question. Did he identify anybody ?

Answer. No, sir ; I understood that he was not able to identify any one, nor was his wife.

Question. Both of them have been before this committee this morning, and in their testimony here they identified Wash. Elkins, John Crudip and George Crudip, and Sid Lipscomb, as of the party who were present. Do you know those persons, all of them ?

Answer. Yes, sir.

Question. This witness has stated that they were afraid for their lives to testify in Jefferson against parties, or to attempt to identify any of the parties ; was there any such danger in that community ?

Answer. I do not think there would have been ; I think they would have been protected by the citizens there.

Question. Was any effort made to discover the parties who were implicated ?

Answer. The officers held an inquest there, and summoned this woman and Tiller, as I understand. I am telling the rumor of the neighborhood, because I was not at the inquest ; I was summoned that morning to see a sick child some six or seven miles from town, and did not get back until after the inquest was over. There was an effort made at the time to find out who these colored parties were ; so I was told by Squire J. W. Smith, in this place.

Question. The testimony of these witnesses went to show that Lipscomb was struck with an iron dog—an andiron, I suppose—by the man who was killed, Westbrook, and severely injured ; that his person was covered with blood as he left the house, and traces of blood were seen on the floor, and out on the steps, and out of the house, across the cotton patch ; do you know Lipscomb ?

Answer. I do, sir.

Question. Did you see him at or about that time subsequent to this event ?

Answer. I do not know that I did ; I passed his place the morning after this difficulty, going to see the sick child, but I do not remember whether I saw him or not ; I cannot testify to that.

Question. Who is his physician ?

Answer. I have been his physician for a number of years ; I do not know how long—twelve or fifteen years, probably. I have been practicing medicine in that place for seventeen years—this is my eighteenth year.

Question. Were you called in to attend him at or about that time ?

Answer. I was not.

Question. Did you hear of his receiving any injury at or about that time ?

Answer. I did not, sir ; he was having chills some time during the summer, and I saw him during the time he had chills, but I could not tell the time unless I had my book here ; by that I could refer to the dates when I visited him, but my memory now does not go back to the time ; I never saw him when injured from any blow or injury at all ; if there was anything of the kind I never heard of it.

Question. You never heard of his being injured at all ?

Answer. No, sir.

Question. Was any clue ever obtained to the perpetrators of this act ?

Answer. It was stated by some of the neighborhood that it was done by negroes, and again that it was by parties across the river at Moscow and near Griffin's Landing. Moscow is west about nine miles, and Griffin's Landing is about five and a half or six miles southwest.

Question. Why was it supposed that it was done by negroes ?

Answer. This woman, in her testimony there, swore that they were black men, so Squire Smith told me.

Question. What did she say was the cause or pretext of it?

Answer. I never heard that she gave any reason at all for his death.

Question. What was the character of the man that was killed?

Answer. I regarded him as a negro of bad character; my reasons for that were that he had had a difficulty some time last year, and said that he intended that the streets of that town should run knee-deep in blood; he had declared that at some little place of meeting, so Captain Harder said; he is my authority.

Question. That he made that threat?

Answer. That he threatened that the little town of Jefferson should run knee-deep in blood.

Question. Who was his difficulty with there?

Answer. With Watkins Bradley; we call him Wat; I think his name is Watkins. He is a young man in the community there; I think the difficulty grew up with Tiller Reese, and Westbrook probably interfered in some way with it; I did not see it, but heard it spoken of afterward.

Question. Reese said he had a difficulty with Wat Bradley, who undertook to take his stick from him, and that he struck Bradley, and knocked him down.

Answer. I heard that Reese knocked Bradley down, and that Robin Westbrook interfered and kept the difficulty up; Bradley stepped back, probably, and got out of the way of it. That is simply what I heard; I did not see any of it at all, nor know anything about it until several days after it occurred. I am not in the habit of frequenting these little grog-shops, and hence know very little of what is going on around them.

Question. Was this Robin Westbrook a turbulent character?

Answer. Mrs. Westbrook, his former owner as a slave, says he was extremely so; his relative is living on my place at Jefferson, and says that Robin has been whipped more than any man he ever knew for his turbulent character and disposition.

Question. While he was a slave?

Answer. Yes, sir, while he was a slave; he says he never could be reasoned into anything at all.

Question. Do you know of any other difficulties with negroes there in your neighborhood?

Answer. I know of a difficulty—of shooting at myself by a parcel of negroes that called themselves Ku-Klux.

Question. Give us an account of that, if you please.

Answer. To have it thoroughly understood by you, gentlemen, I will give from the beginning of it.

Question. That is what I desire you to do, sir.

Answer. After I had retired, on the 26th of July, at night, there was some one hailed at my gate. I got up and went to the door, and asked what was wanting. Some one replied, "papy" or "father;" I would not be positive which word was used, but I think "papy," which is the boy's usual way of calling his father's name—"Papy has a sick child, and wants you to go and see it." I said, "Who is papy?" He said, "Ben Besteter;" he had a sick child and wished me to come and see it. I asked what was the matter; he turned around, and spoke in an undertone to some one, and replied as soon as he got the answer. The answer I did not learn; I could hear but not to understand what he said. He said it was having fits; this was the boy who called for me first. I supposed the answer had been derived from the boy accompanying him. I went to catch my horse—the man I had attending in the house was away attending a protracted meeting—and I went with these men or youths, they were not quite grown, to the house of this freedman Ben Besteter, and there prescribed for his child, and when I was about starting back, one of the men, or boys, started with me, and told the other one to come on. He told him to go ahead, he would overtake him. He replied, "This is the last time I will see you to-night." I rode on, and asked him where he was living—I had known him ever since he had been there—and I said, "Where are you living this year?" He told me. I asked him, "Are your mother and family with you?" He answered, "Yes, sir." I said, "That is right; you ought always to stay together, and take care of each other." He says, "I am doing that, and getting along very well." By this time we had crossed a little field. This freedman lived off of the road some two hundred yards, probably, and we had to cross a little plantan on or cotton-patch; going there, we passed along the cross-fence separating that from another field belonging to a different party, which was in corn. This conversation took place along the cross-fence; at the road there was a pair of bars, and he let them down. The conversation stopped about the time he began to work at that. I heard something like the cocking of a gun, as I thought. I says, "What is that?" Instantly I was fired at before I could think, and my horse wheeled; he was a spirited horse, and wheeled around and run. There were three or four rapid fires; I checked him up, and the firing came again

and again. There were in all, I think, nine or ten shots. The horse ran off some distance before I could check him up; my feet were both out of the stirrups; I was doing all I could to hold on to him. I went to a neighbor's house, and there asked for a gun and pistol, and stated that I wanted to go home, and telling what had happened. They told me they had nothing in the house. It was Mr. Nathan Bradley's house, inside of the little field where the shooting took place. The shooting took place in his premises or field, some three hundred yards from the house, perhaps; Mrs. Bradley told me that there was nothing of the kind there, and asked what it all was. I said it was some one shooting at me. She says, "What in the world is it?" I said, "I don't know." I got on my horse, and tried to ride him out of the gate. I could not force him through their gate at all. I went back and staid there until day. The next morning, after I had been home a short time, I went up to Squire Smith, and told him what had happened, and asked him what would be proper to do. He says, "I do not know what you can do." I told him it was an outrageous thing. He says, "I do not know what you will do." I went back to my own dwelling and ate breakfast, and when I came out again from breakfast I met Ben Besteter, the man whose child I had been to see the previous night. He says, "Doctor, my child is still very sick, and I want a lot of gentlemen to go down there and search these tracks of them that were shooting at you last night; they are negroes." Says I, "Ben, it is a very strange thing that I should be fired upon in the night, going to see your child, when nobody saw me at all, save those two boys, that I know of; it is exceedingly strange, and I am astonished at it." He says, "Doctor, they are trying to kill me too. I have been threatened of my life by a parcel of negroes." Says I, "That's all talk; I do not believe a word of it." But, in company with several gentlemen, I went down there, and we looked at the tracks and the point they were occupying when this firing took place. They proved to be large barefoot tracks, part of them, and some small tracks. They ran off from this point all in the same direction, and scattered along a distance of thirty or forty yards from where the first firing took place until the extreme end of it. The night following, Robin Lee, a freedman, came to me and told me that Richard Lewis and Cato Washington had been seen together the evening before this difficulty occurred, in a mysterious manner; that he believed they were in it. He said Richard Lewis certainly was; if I should use his own language, which is not necessary; he is one of the worst men I ever knew. Cato is a bad man. He said, "Arrest this man, and you will find the facts." They were arrested the following evening, and Richard Lewis told who the parties were. The next morning Cato Washington—Richard Lewis was now at large—told me that Richard Lewis was captain of the company; that he was the musician, and blowed the quills. Says I, "Cato, tell me all about it, and why it is that you want to kill me; have I ever done you any harm?" He says, "No, sir, never." He then told me the names of every one of them, and I had them written down. I do not remember them now; some of them are at large in the neighborhood, and have never been arrested at all. He gave me the names of the particular parties who were present. They were arrested and bound over in a bond for their appearance, or rather they were put in jail, for I suppose they could not give bond; they were offered bail, but could not give it. One of the parties told me that this thing that I supposed to be the cocking of a gun was not the cocking of a gun at all, but was the hammer coming down on a cap, a spurious cap, and he says, "If that cap had fired, I would have killed you so dead you would not have known what hurt you." I do not think the muzzle was as far from my head as your face is from mine.

Question. Six feet?

Answer. Not exceeding five feet, I think. I said, "What did you want to do that for?" He says, "You knocked this man down at Mr. Williams's store, and we were out Ku-Kluxing." That was his statement. Another boy told me who were in it; the same crowd who are now arrested. It is not worth while, I suppose, to go over their names and the same statement which each one made. All of them made confessions in my presence, and one or two of them made them to other parties, so I was told.

Question. Did they say they were disguised?

Answer. They did not say. I do not know whether the question was asked or not; I did not ask it, nor do I know it was asked.

Question. Did they all attribute the attack upon you to your having struck this blow?

Answer. Yes, sir; so far as I heard.

Question. What was the name of that boy?

Answer. That I struck?

Question. Yes, sir.

Answer. I do not believe I know now.

Question. Was he of the number?

Answer. No, sir; he was arrested and brought up there. I told them I did not suppose he had anything to do with it. The boy professed to me, after the thing was over, "Doctor, I am perfectly satisfied with this difficulty; I have met exact justice; and if

Mr. Williams don't indict me for this offense, I am sure I will never be guilty of such an offense again." Says I, "I will not indict you." I have forgotten the man's name ; he lives on Mr. Gains Whitfield's plantation.

Question. Speaking of the stealing of goods that took place at Mr. Williams's store that night, have you had much trouble in that community from thefts and robberies ?

Answer. Yes, sir, we have had a great deal ; such as stealing fat pigs and beeves, and things of that sort, but not so much now as there has been, we all having some stock. The freedmen are for having some stock and they seem trying to stop it, and have been doing so, but there seems to be a few vicious negroes in the community, or I believe we would get along well, the white and black races together.

Question. You have had more difficulty heretofore in reference to the stock than you have now ?

Answer. Yes, sir ; I had at one time got a stock of hogs, and in a few months I did not have a hog in the world.

Question. Is that a general thing in the community ?

Answer. It was at that time ; now it has generally improved, so far as I have heard ; in my neighborhood it has, and I think it has generally in the county.

Question. Was there any possibility of putting a stop to this thing by arresting and convicting the authors of these thefts ?

Answer. We could have done so if we could have ascertained who they were, but a few white men in the community, forty or fifty, could not look after four or five hundred negroes all the time.

Question. Are there four or five hundred negroes in that community ?

Answer. Yes, sir ; I think our vote there registered between four and five hundred.

Question. And it was impossible for farmers to keep any stock, you say ?

Answer. Yes, sir, any that run at large. They were compelled to keep them around their premises and watch closely. That was the case soon after the war closed, while things were in an unsettled state ; it is better now.

Question. Did you feel any other apprehensions except from the loss of your stock and this general condition of thieving ?

Answer. No, I did not myself ; I am not apprehensive of being molested in any way in the world by them.

Question. Were any other crimes committed by the freedmen ?

Answer. They are in the habit of living in adultery all the time, having one child after another ; one man with two or three wives. Some are on my place.

Question. Was any apprehension felt among the white people for the safety of their women ?

Answer. There has been since this shooting in July.

Question. But for the safety of their women, is there any apprehension felt as to white females ?

Answer. I cannot say, sir, that there has been in our neighborhood. I have had no such feeling at all till since this thing. I was apprehensive that I might be burned out by some fiends in this party ; that is, in July.

Question. What is the character that these men, Wash. Elkins, Lipscomb, and Crudip bear ?

Answer. Wash. Elkins is an ignorant man, altogether so. I do not suppose he could write his name ; he is a hard-working man. He gets drunk, and frolics about and plays cards. You can form your own opinion now of the man. I have never known of his being in but one fight, I believe ; I do not think he is generally a rowdy or fussy man. He gets drunk and lies about and plays cards. He works hard when he is at home.

Question. Did you hear of any difficulty between any of these parties that have been mentioned and these negroes, Robin Westbrook and his wife and her son, prior to this murder ?

Answer. Yes, sir ; I have heard that Mr. Elkins had had a difficulty. I do not know whether it was with Robin's wife, or Robin, or both ; but I heard he had a difficulty with one or both of them prior to that difficulty, resulting in his death, but I do not know the facts ; I only heard the rumor. I would further remark that Mr. John D. Crudip had had some little difficulty with them, or with Betsy, I believe, that is the wife of the deceased, or the widow.

Question. Was there anything to justify the apprehension that she expressed here as an excuse for not implicating these parties whom she now says she recognized ?

Answer. I do not think there was. I am satisfied that the woman would have been protected in any declaration that she would have made on that occasion.

Question. And that the parties would have been arrested and brought to justice ?

Answer. Yes, sir ; brought to justice at once ; I am perfectly satisfied of that ; I know if I could have had enough men to have aided me to have arrested them, it would have been done sir.

By the CHAIRMAN :

Question. Did I understand you to say that there were two colored men who were whipped or choked at the store ?

Answer. There was one I had a difficulty with there.

Question. I remember what you said in relation to the boy you knocked down. I understood you to say that Judge Oakley had a difficulty?

Answer. J. W. Oakley had a difficulty with that boy or another; two of them were implicated in the thing. Oakley had a difficulty with them right after this thing took place.

Question. Did you understand that he had knocked down or choked one of these men?

Answer. Before this time?

Question. No, sir; at that time.

Answer. I think he was choking one of them—choked or hitting. There was a crowd around there; I had no more to do with it. I talked with the boy I had the difficulty with, and he said that he was satisfied, and if Mr. Williams didn't prosecute him, he would try to do better.

Question. How many of those colored boys were there from this plantation?

Answer. There were several of them. I do not remember now the number; five or six probably. I cannot distinctly testify as to the number, but several.

Question. You suppose that this firing upon you was in revenge for your knocking this colored boy down?

Answer. That is what this man, who talked to me afterward about it, stated.

Question. You have no information that this boy instigated it?

Answer. No, sir, I have not.

Question. Did you injure him much?

Answer. O, no, sir; there was not a bruise on him at all. He was plowing the next morning, Mr. Whitfield said.

Question. How many have been arrested upon the information you gave to that officer; how many colored men that fired upon you.

Answer. There were nine arrested; two of them were released, because they said they had abandoned their friends when they found they had determined to shoot.

Question. Five are in jail?

Answer. Six are in jail. Nine were arrested; two stated that they had had nothing to do with the crowd, and one escaped.

Question. Six are in jail awaiting trial?

Answer. Yes, sir.

Question. Have they been indicted.

Answer. Yes, sir.

Question. For assault with intent to commit murder?

Answer. I do not know what the shape of the indictment is.

Question. You say you were not present at the coroner's inquest over the dead body of Westbrook?

Answer. I was not.

Question. All your testimony as to what the widow and her son testified to is derived from others?

Answer. Yes, sir; parties who were present. I did not hear any of the examination at all, sir.

Question. Do you think there would have been no danger in the mother and son implicating these men who had killed Westbrook?

Answer. I do not think there would.

Question. Would not the motive of saving themselves from prosecution and conviction have been sufficient for dealing with Mrs. Westbrook and her son?

Answer. I think, sir, the parties would have been immediately arrested; that is my impression about it. I think the citizens would have arrested them at once.

Question. Beyond this coroner's inquest, what efforts have been made to ascertain the offenders?

Answer. I have inquired time and again, and have heard others say that they made inquiry, and that they had watched—well, different movements and actions of the people; of course we had no law by which we could force from any one anything, and we could only watch parties.

Question. Were the tracks examined of that crowd that killed Westbrook?

Answer. I do not know whether they were or not.

Question. Did you understand whether they went there on foot or on horseback?

Answer. I understood that they went there on foot, because it was said they went across a cotton-patch.

Question. Did you understand what number there were in the crowd?

Answer. I heard there were seven—six or seven; I would not swear which.

Question. You say there were two opinions as to the parties who committed the murder?

Answer. Yes, sir.

Question. One opinion that it was by colored people?

Answer. The same crowd that shot at myself; they had been in existence for twelve months, and had been mustering and drilling; so says Mr. Williams, on whose plantation a portion of them live.

Question. Had they any grudge against Westbrook?

Answer. I do not know. I do not know but two of these freedmen who shot at me.

Question. Did you not understand that Mrs. Westbrook had testified that one man had his face blacked?

Answer. I understood she testified that they were all black.

Question. Did you understand that she testified that they were undisguised, so that she could see their faces?

Answer. No, sir; I understood she said they were black.

Question. All of them?

Answer. All of them.

Question. Was this information derived from a person who was present at the inquest?

Answer. I suppose they were present; I did not ask about that.

Question. Who told you she swore that?

Answer. I do not know as I could now tell you. I asked a good many citizens there if they arrived at any facts in regard to this act—parties were present. Squire Smith talked to me several times about it.

Question. Was he present?

Answer. He held the inquest; he was there as an officer, I think; they sent for an officer, but he was there.

Question. Did he say he held the inquest?

Answer. Yes; I believe so. I believe not; they sent for a coroner.

Question. Did Squire Smith say she said they were black men?

Answer. I think so. Where so many were talking about a thing, and I never expected to be called up in this way about it, my memory may not be exact.

Question. She talks very rapidly and very imperfectly, does she not?

Answer. She is a rapid talker.

Question. There is difficulty in understanding her, is there not?

Answer. I do not know that there is any.

Question. Is it not possible that the parties present may have confounded what she said, and when she swore that some of their faces were blackened, have understood her to say they were black men?

Answer. I cannot say; I was not present, and did not hear her, nor know the style of the woman at the time at all.

Question. At what time did you understand that this murder was committed?

Answer. I do not remember; it was the day before the inquest.

Question. Was it in July last?

Answer. I think it was.

Question. How long was it after that inquest before you saw Lipscomb?

Answer. I do not remember, sir. I passed his place the day after this killing, on my way to see a sick child.

Question. Did you see him?

Answer. I do not remember to have seen him.

Question. May it have been a week or two before you did see him?

Answer. It may have been. I do not remember; I cannot swear. I visited him some time during the summer for intermittent fever—chills and fever—but I cannot tell the time without my books.

Question. Did you know or have you been informed that he was abroad where he could have been seen for a week or two after the killing of Westbrook?

Answer. No, sir; I do not know anything about that.

Question. Then it is quite possible that he may have been wounded, and kept his house during that time?

Answer. I cannot say; it may be possible; I do not know anything about it.

Question. If he had been engaged in the killing of Westbrook, and was wounded by Westbrook, it is not likely that he would have shown himself publicly?

Answer. Not if he was wounded severely; I should not suppose he would.

Question. Would not the very wounds have led to inquiry how he was wounded, and thus have identified him with that party?

Answer. Yes, sir; the wounds would have produced inquiry.

Question. So that if it be true, as stated by her, that he was wounded in the encounter with Westbrook, it is quite probable that he would have kept himself secreted?

Answer. I think it quite probable, if he had been wounded there, he would have kept himself from the public gaze.

Question. What was the character of this Mr. Lipscomb?

Answer. I have never heard anything derogatory to him.

Question. What was his business?

Answer. Farming.

Question. An orderly, peaceable man?

Answer. Yes, sir, as far as I have ever heard of him. I have known him since he was a boy.

Question. Have you never known him to be engaged in any trouble?

Answer. Never. I never knew of his having a difficulty at all.

Question. What was the character and standing of this Mr. Crudip?

Answer. Well, he is one of those unfortunate, dissipated kind of men.

Question. Is he a man of property?

Answer. No, sir; he is a poor man.

Question. What does he follow for a living?

Answer. Farming.

Question. A renter?

Answer. Yes, sir.

Question. What does Elkins follow for a living?

Answer. He farms, and works at building screws and repairing gin-houses, and such as that.

Question. Is he a land-owner?

Answer. I do not think he is, sir.

Question. You spoke of the other theory that Westbrook had been killed by some parties that had crossed the river; can you state upon what grounds that theory rested; what led people to suppose that they were concerned?

Answer. I can state what I heard.

Question. State it.

Answer. The ferryman at Moscow stated that he had put a posse of people across the river the evening before that, and that a portion of them never returned.

Question. How large was that posse said to be?

Answer. I do not know.

Question. Did he know who they were?

Answer. He said he did not. This is what Mr. Hudson told me.

Question. How far is this ferry from Jefferson?

Answer. Nine miles.

Question. Which way were they going?

Answer. From the west to the other side, and there is but one road until they came this side some distance toward Moscow.

Question. Was this after night?

Answer. I do not remember that I heard.

Question. Which theory did public opinion finally accept as the true one?

Answer. I do not know that I could really tell you what the sentiment of the community was.

Question. What is your own opinion, from all the evidence that came to your knowledge?

Answer. Well, sir, I believe these negroes had a hand in it, a portion of them.

Question. Would you have had any suspicion of that kind but for the attack upon you?

Answer. I do not think I should. I did not believe that there was any organization at all in the country until this shooting at myself took place; if there was, I never saw it. I never have seen a disguised man in the county anywhere else under the form of a Ku-Klux.

Question. How long have you understood that this organization of black men existed?

Answer. Twelve months, the past summer.

Question. Did you learn for what purpose they were organized?

Answer. No, sir; only from their own statement.

Question. What was their statement?

Answer. That they were a band of Ku-Klux; so said this escaped prisoner. His name is Richard Lewis.

Question. He told you this?

Answer. Yes, sir.

Question. Did he inform you for what purpose they were organized?

Answer. He told me that they intended to kill me for hitting that man over at Mr. Williams's store.

Question. But you say they were organized twelve months before?

Answer. No, he did not tell me for what purpose the organization took place.

Question. Have you any information that any other outrage had been committed by this organization, except that upon you?

Answer. There was an attempt, so says Henderson Lee, one of the party that retired from this party that night, to shoot Mr. Walter Grant, a young man living east of our little village.

Question. Lee turned State's evidence?

Answer. He says he retired and left them before that shooting took place.

Question. Did he become a voluntary witness against them afterward?

Answer. Yes, sir, he turned State's evidence to protect himself. I do not know whether he really told the truth when he said he left before the firing took place or not;

he said he left when he found it was myself. I think I omitted part of this. These men met me before I got there ; did I state that ?

Question. No, sir.

Answer. They saw two footmen going down the road, down the hill, where it is a descent; there is a little hollow there, and this Captain Lewis ordered them to mount the fence, and they were lying down in the fence-corner when I passed going to see the sick child; and there this boy, Richard Lewis, the captain, ordered them to fire, and they refused to fire, and told him it was me, and they would not fire on Dr. Smith at all; he said, "We are going to kill him" and ordered them to fire, but they did not do it. He detailed three men, and they pursued me on to this house and went before the door inside of this little patch in which I was riding when the difficulty took place, and they were ordered there to shoot, so another witness tells me, and that they failed to do it and fell back, and he whistled the crowd together, and deposited them in the fence-corner, where they shot at me. I omitted that statement before.

Question. Have you had this man arrested who asked you to attend his child ?

Answer. He swore that one of these parties under arrest, in his opinion, was one of the parties that made the attack on his plantation that night. I have no idea that the man whose child I saw had anything to do with it.

Question. You do not think he was involved in the plan for your assassination ?

Answer. I do not think he was at all. He is a good, peaceable man so far as I know.

Question. How should Lewis and his gang know that you were going to that house ?

Answer. That is why I remembered this thing ; they saw me go there, and followed me. I thought at first that Ben Besteter had a hand in it, and it was an arrangement of his. I did not see how it was possible, as I told him, that anybody should know that I was going to his house, when at that hour no one but this man knew I was going there; but after the prisoner stated that they saw me go down the hill with these two footmen, it was clear, and I understood it.

Question. How long was this attempt at your assassination after the affair at the store where you knocked the colored man down ?

Answer. I do not know ; it was not long ; I do not remember the date of that thing at the store. It was a trivial thing, for which I expected to be indicted—a sort of a fight, that was all.

Question. Did this band whom you had arrested and put in jail, embrace part of the colored men who were at the store that night—this party who are in jail ?

Answer. I do not know whether they did or not ; there were quite a number of freed-men standing around the door and the house, and I do not know whether any of them were present in this or not.

Question. What was the character of Lewis, the captain of the band, before this prosecution ?

Answer. I never knew him. I never saw the negro but once in my life up to the time he was arrested.

Question. Had he been living in that neighborhood ?

Answer. No, sir. It has been said that he was an escaped prisoner from Mississippi ; he has been living about two years in our county. His father told me he was a very bad man. I went to his father and talked to him myself; he says he is a bad man. He says, "I dismissed him from my premises last year on account of his being uncontrollable." His father has been living in this country a long time, and is a peaceable, good citizen, so far as I know. This man was carried to Mississippi when quite a child, and raised there and staid there until since the war.

Question. Until Westbrook was killed, had you ever heard anything against his character ?

Answer. Yes, sir.

Question. You say Westbrook was regarded as a turbulent man before that ?

Answer. Yes, sir.

Question. Who told you that he had made the declaration that the streets of Jefferson should run knee-deep with blood ?

Answer. Captain Harder is my authority ; that is my recollection.

Question. Did he inform you that he had heard the declaration himself ?

Answer. He did not.

Question. Who did he get the information from ?

Answer. I do not know.

Question. Where does he live ?

Answer. On the Moscow road, six or eight miles from this place.

Question. Have you ever attempted to follow up that information, and ascertain Westbrook did make such a statement ?

Answer. No, sir ; it was very soon after this occurrence last year that Captain Harder was talking to me about what Westbrook should have said ; if I am not mistaken in the man who told me, I think it was Harder. Westbrook was attending a protracted meeting, where there was preaching, near his house, and on that occasion it

was that Westbrook should have said that he intended to make the town of Jefferson run knee-deep in blood ; I think that was his language.

Question. If such a statement was made by him why was he not arrested and confined ?

Answer. I do not know why it was not done. I did not hear him say it ; it was mere rumor.

Question. Such a threat, if made, would have been quite sufficient under your laws to have justified his arrest in order to prevent his committing a breach of the peace, would it not ?

Answer. Yes, sir ; I think so.

Question. Is it not possible that it was a mere idle rumor ?

Answer. It may be possible. I do not know the fact at all. I merely give it to you as I heard it.

Question. Have you any idea that the two boys who came for you to visit this child knew anything of the attempt to assassinate you ?

Answer. No, sir ; I do not think they had anything to do with it at all. They are both there, and I think they like me as well as any man in the neighborhood. I never had any difficulty with them at all, nor have I with any of them. The impression was, as I stated, that I thought Ben Besteter was at the bottom of it, at the time the firing took place, and I told him next morning it was useless for him to tell me it was a parcel of men without him knowing it ; that it was strange that anybody should know I was there ; that is the reason I supposed he had a hand in it ; I did not see how it was possible that anybody else should know it.

Question. If such an organization exists, and has been existing for twelve months, are you able to say they ever committed or attempted to commit any act of violence besides that on you ?

Answer. They made an attempt to shoot Walter Grant, as I stated just now, so Henderson Lee says ; he is a freedman, and belonged to the band.

Question. Was Grant fired upon ?

Answer. No, sir ; Lee says he stopped it, so Grant told me yesterday evening, and he said he thought he had better come up here and see this committee, and try to put an end to such acts.

By Mr. BUCKLEY :

Question. Is he living down there at Jefferson now ?

Answer. Yes, sir ; he is a youth ; he had been off to see a young lady, and on his return these men proposed to shoot him.

By the CHAIRMAN :

Question. You have spoken, in your general examination, of the troubles with which the community were afflicted after the war, on account of the stealing of stock and other things by negroes. State if the negroes were not in a state of great destitution after the war for a year or two ?

Answer. Yes, sir ; they were in a state of destitution.

Question. You say things are very much improved since that time ?

Answer. Yes, sir.

Question. State whether poor white men were not implicated equally with the negroes in these thefts.

Answer. There were some white men in our neighborhood implicated and driven out of the neighborhood, or at least they left the neighborhood within the last twelve months.

Question. Was that the charge made against white men as well as against negroes ?

Answer. Not to the same extent. There was only that one family that I have spoken of that left the community ; that was every charge of such a thing that I know of.

Question. The negroes are now behaving very well generally, are they not ?

Answer. They are in my neighborhood.

Question. Are they generally engaged in work ?

Answer. There is a great deal of idleness, sir, with them ; too much for their good and the good of the country.

Question. Is there employment for them all if they seek it ?

Answer. Yes, sir.

Question. At remunerative wages ?

Answer. Yes, sir. I am offering \$15 a month and feeding them.

Question. For work on the plantation ?

Answer. Yes, sir ; making rails and repairing the plantation, doing plantation work. That is certainly remunerative. I am in doubt whether it is not more than we would be justified in giving but for the dilapidated condition of our fences.

Question. You have spoken of this state of promiscuous intercourse of the sexes. Is it worse now than before the war, or has there been any improvement in that respect ?

Answer. I see but very little change ; if anything, it is rather worse ; they were restrained then by their owners.

Question. Do the negroes marry now?

Answer. They marry, but they have little regard for anything of that kind.

Question. Are they generally members of a church?

Answer. Yes, sir; generally members of a church. All of them nearly are members of the Methodist church in my neighborhood, or at least the bulk of them are.

By Mr. BUCKLEY:

Question. Have the parties who made the assault upon you had their trial yet?

Answer. No, sir; there was a trial before a justice of the peace.

Question. When they were bound over?

Answer. When they were committed to jail; they could not give bail; the other trial has not taken place.

Question. You were not injured that evening?

Answer. No, sir; no personal wounds at all.

Question. It is quiet now in your neighborhood?

Answer. Yes, sir. Of course, I feel wounded to think such a thing should happen there; that a man like myself, that had to be out at night riding, should be treated so.

By the CHAIRMAN:

Question. What is the relative proportion of the two races in your neighborhood?

Answer. I think the vote there of the whites is about sixty, and there were somewhere from four to five hundred freedmen registered, but they are moving about so it is impossible to tell how many there are in certain localities at all times. I do not know how many there are, but I think the register shows that there were some four hundred or five hundred votes.

Question. But this is not always a certain indication of the negro population?

Answer. No, sir.

Question. They come from other precincts to vote?

Answer. That has not been the case with us; they have not been required to vote where they registered; that has been the case there.

By Mr. BUCKLEY:

Question. Where is this man Lewis, who acted as captain of that band?

Answer. He is the escaped prisoner; he got out this place here some time ago.

By Mr. BLAIR:

Question. Do the negroes ever use violence against men of their own color who proposed to vote the democratic ticket?

Answer. I have heard so; I never saw it.

Question. In frequent instances?

Answer. I have heard of it frequently, sir. I heard of a case in Philadelphia the other day.

Question. What was the case?

Answer. The case of the riot in Philadelphia.

By the CHAIRMAN:

Question. In Pennsylvania?

Answer. Yes, sir. Of course, you gentlemen have all heard of it. We have occasionally things of that kind here. I have heard of it, but never saw it.

Question. It never occurred in your precinct?

Answer. No, sir; every man has gone and voted there without molestation.

By Mr. BLAIR:

Question. Was there any feeling evinced in your community against this man Westbrook because he was a radical?

Answer. O, no, sir, not at all; not a particle. If there was, I never heard of it; every hand of them is a radical, and I know I have no feeling against them all for that. I never advised one of them to vote one way or another. When they asked me to do it, I said, go and vote as you see fit.

Question. This woman testified that she believed her husband was killed because he was an outspoken radical.

Answer. I never heard him express a political view in my life, that I know of.

Question. Did you ever hear any feeling expressed against him on account of his radicalism?

Answer. No, sir; nor any other negro there.

Question. Do you believe it is possible that any one would conceive the design of killing this man on account of his political sentiments?

Answer. No, sir; I do not believe any such thing.

Question. Would they not be just as likely to kill every other negro, on the same ground?

Answer. Yes, sir; just as likely to kill every other negro.

By the CHAIRMAN :

Question. Do the negroes all vote the radical ticket at that precinct?

Answer. No, sir.

Question. What proportion vote the democratic ticket?

Answer. They are largely in the minority. There are only a few democratic votes there.

Question. Are you a native of the South?

Answer. I am; I was born in North Carolina; my father moved to Mississippi when I was quite a boy, and when I grew up to manhood I moved to this county, and have been here ever since.

Question. This attempt to assassinate you created a great excitement in the community, did it not?

Answer. Yes, sir; a considerable excitement.

Question. An earnest effort was made to discover the men who attempted to murder you?

Answer. Yes, sir.

Question. You had no great difficulty in finding them out?

Answer. Yes, sir; right smart trouble. I do not think we should have done it, except for the freedman; he told me what he saw.

Question. Do you think the same earnest effort was made to discover the murderers of Westbrook?

Answer. I think so; I think the same necessity for the protection of the community.

Question. Do you think there was such an excitement over the murder of Westbrook as over the attempt to assassinate you?

Answer. I do not know that there was. There ought have been fully as much, though the freedmen seemed to care nothing about it at all.

Question. The freedmen themselves were indifferent?

Answer. Perfectly. I heard one man on my place say he had been looking for him to be killed long before.

Question. Beside the coroner's investigation, you know of no inquiry?

Answer. Only as to where this party could have come from. I made inquiry time and again, and have heard others talking about it.

Question. Do you think if you had made the same effort to discover the murderers of Westbrook as you did to find out who attempted to assassinate you, your attempts would have been unavailing?

Answer. Everything we could trace up we looked after.

Question. How long did that continue; did it continue after the coroner's inquest?

Answer. Yes, sir; a great deal longer than it did in my affair, because that was found out, and I have inquired about the other even up to the present.

DEMOPOLIS, ALABAMA, *October 24, 1871.*

ELIZA LYON (colored) sworn and examined.

By the CHAIRMAN :

Question. What is your name?

Answer. Eliza Lyon; my husband went by that name after the surrender. He used to belong to Mr. Lyon before the surrender. He went by the name, after that, of Abe Smith, but they still call him Abe Lyon.

Question. Where do you live?

Answer. Here in Demopolis; I was raised here.

Question. Have you ever been married?

Answer. Yes, sir.

Question. Where is your husband now?

Answer. He was killed.

Question. When was he killed?

Answer. The 6th of June.

Question. Of this present year?

Answer. Yes, sir.

Question. In what county was he killed?

Answer. Choctaw County.

Question. Were you with him at the time?

Answer. Right with him in the bed.

Question. Were you living in Choctaw at the time?

Answer. Yes, sir.

Question. On whose plantation?

Answer. Dr. McCall's.

Question. You may describe how your husband was killed.

Answer. They knocked on the door; it was about 11 o'clock at night. We never had heard of any threats of his life, and were not thinking of such a thing. They came on Tuesday night, the 6th of June. They knocked on the door; they knocked on the gallery, and asked was Abe Lyon in, with a loud voice, and he answered, yes, he was, and he got up, not thinking anything about anybody going to disturb him, and looked out of the door. I said, "Don't go out, Abe; it sounds like more voices than one." He jumped up and looked out of the door; the bed was right at the door. As he looked out they told him to come out, but I jumped up and shut the door, and pushed him away from the door; I shut it, and told him to go out of the other door. He went to the door to go out; but some of the children had buttoned the door lower down, and he could not find the button, for it was dark, and he was so scared; and he wheeled around in the room in his scare, and I was scared too; and then I went to unbutton the door. He passed me going to the same door, intending to get out, but he looked like he was in a perfect scare, standing in the floor, and I run behind him for him to go out, and as I run up, the men burst the door open and threw a rope right over his head and drew his arms down to him, and picked him up deliberately and toted him out. I holloed and screamed for help, but no one came near. We were not living near people, but lived close enough for them to hear loud holloing. After they picked him up and carried him out, I still stood on the gallery holloing, and four men—white men—came up to me, and one held his gun here on each side of my head, and one in my face, and one right here in my chest, and they told me if I didn't hush holloing they would blow a hole through me. I took my hand and knocked the gun off a little bit; they didn't shoot me then; they told me never mind, hold on, they would finish me directly. They had carried Abe off then, around and up a little hill to kill him. They killed him about as far off as across the street here to the hotel.

Question. In what way did they kill him?

Answer. They shot him with a double-barreled gun. I run from this end of the gallery to that end, to see when they shot him. The first shot was a double-barreled gun. At the next one, some one holloed to them all to fire, and all fired, I reckon. I will not reckon about it, for the holes was counted they shot in him; and Dr. McCall counted thirty-three holes they shot in him. After I saw they had shot him, I saw them coming back to the house. I knew they were going to kill me, as they had told me they would. I thought I would go in the room and wake my children up, and take them up; and when I came out of the room there was about seventy-five men at the door, guarding me regularly—all white men. I could see into their faces; they were standing so close to me. As I was standing there, they walked off around the house, and called the other men to come on, and let's finish in the house; and while they stepped around the corner of the house, I went in the room and picked up one of the children; the other was awakened, but the other was out and gone. I picked up the one that was asleep, and run out of the gate at the corner of the house, and went off across the new ground or field, and run for about a quarter of a mile, and stopped in a thicket of woods to see what they were going to do. I made my child sit down, and I stood up to see them. They came back to the house, and went around and in the house, and tore up everything. Then they made a light, and went under the house with a light, and in the house, and in the hen-house, and in the stables. They must have been looking for me; I don't know what else. Then I took my children and went farther in the woods. They shot off all the pistols in the house, and shot my dog, and then came out and shot off their pistols and guns, and it sounded like there was over a hundred shots at once. I did say, when I first told this tale, that I believed there was colored people in it; but the reason I said that was because they deliberately picked him up; and I thought no white man would pick up such a noble-looking man as he was—a large man, as large as that man sitting there. [The chairman, Mr. Pratt.] I thought no white people would pick up such a man and tote him—that they would not lower themselves low enough, as they would say, to pick up a darkey—and it was for that reason I said I believed there was colored people in it. I did not know anybody, but I run off to the woods and staid all night, me and my child, without any clothes. They did not leave him; some of them guarded him all night, thinking somebody would come to him. I was in sight of the house, and I raised up when I could see anybody, I reckon at about a hundred yards. I could not see the house good then, and I hid myself again until it got good daylight; and just at sunrise I came out of the woods and started to my house; and I saw two going away from it in the morning; they went down the woods to where they could get out without anybody seeing them.

Question. Was any of your property in the house stolen that night?

Answer. We had some money on Monday looking at it. I had a daughter up here, and was sending her to school; besides, I had three children at home. We had some money in the house, but I don't know whereabouts he put it, but we had it in a little square box about a foot long and half as wide, and I reckon that had about \$600 in it; we were looking over it, and I wanted some of it to bring up here to school my daughter on it. Then I says, "Put it away till we get over chopping the cotton, and then I will go; you can spare it." I was going to bring it up here; I had no idea of anybody kill-

ing him. He took it and put it away, and I went to sleep. I do not know whether he put it in the blacksmith-shop, or under the house, or where. If it was in the house, or under it, they got it. I do not know where he put it, for I was satisfied he could get it. I never have seen it. I left my hogs and wagon and everything.

Question. How long after your husband was killed before you came away?

Answer. He was killed Tuesday night, and I left Sunday morning for the river to take the boat.

Question. Had you staid at your house all the time?

Answer. No, sir, I moved right out, for I thought they would come for me; I went to a neighbor's house.

Question. Did you miss anything else besides the money?

Answer. No, sir, nothing besides the money. I left my hogs down there, and left a wagon we had paid \$75 for, and we had a great many other little things.

Question. Why did you not bring your things away with you?

Answer. They had threatened my life, and he had been killed, and I could not tell how or what nor nothing about his business.

Question. Who has your property?

Answer. I just left it there; I suppose I never will get it; I am afraid to go back.

Question. Where was this?

Answer. In De Sotoville; a little village. There were one or two stores there. There had been two, but one was broken up, and my husband had put up an elegant blacksmith shop. Everybody knew him in the county. Mr. Lyon raised him.

Question. How many do you think there were in the crowd there that night?

Answer. I guess about a hundred; but being very much scared, I could not judge.

Question. Was it a moonlight night?

Answer. Yes, sir, but very cloudy, and the moon was running under the clouds.

Question. Did you notice whether any of the men had disguises on?

Answer. Yes, sir, some of them were disguised. They had handkerchiefs tied over their faces, and white pieces for the head to go through, and dropping down on each side.

Question. Was this gown or frock white which they had on?

Answer. It was white.

Question. What disguises, if any, had they upon their faces?

Answer. White.

Question. How many of them seemed to be disguised?

Answer. It looked like there was twelve or thirteen disguised, and they were the ones that took hold of him.

Question. Did I understand you to say that the men who presented their pistols and guns at you were white men?

Answer. White men.

Question. Did they have any disguises on?

Answer. No, sir.

Question. Did you know any of them?

Answer. No, sir.

Question. Did you know any in the crowd?

Answer. No, sir, I didn't.

Question. What reason have you to think that any of the crowd were colored people?

Answer. Because they picked him up and toted him so deliberately; I did not think a white man would do it.

Question. Is that the only reason you have?

Answer. That's the only reason I have for believing there was some colored people, because I didn't think white people would pick him up so deliberately and tote him out; he was such a noble, big man.

Question. You were not wounded yourself?

Answer. No, sir, I wasn't.

Question. Nor your children?

Answer. No, sir; then Sunday morning I left to go to the river. I lived fourteen miles from the river. After I had gone, I reckon about 10 o'clock in the day-time, a heavy rain came on, and the men pursued on after me. As soon as I came away, they sent me word the men pursued on after me, some men next day, to overtake me before I got to the river.

Question. How do you know they pursued you?

Answer. I heard so.

Question. You did not see anybody?

Answer. No, sir.

Question. Who told you that?

Answer. I just heard it from people that came up from down there.

Question. How many did you hear pursued you?

Answer. About ten; and a heavy rain came on and cut them off from me, and I got to Tompkinsville.

Question. Had your husband had any trouble with anybody?

Answer. None at all that we could hear; he would not insult a child; he was a very quiet man.

Question. What did these men who shot your husband in that manner say they were doing it for?

Answer. They didn't say; he asked them after they picked him up and were carrying him off the gallery, "Gentlemen, what have I done?" They says, "Never mind what you have done; we just want your damned heart."

Question. So they did not tell him what they were killing him for?

Answer. No, sir, not at all. Then he said, "Lord have mercy on me;" he looked like he gave up afterward, he was begging the Lord to have mercy on him.

Question. Did you see him at the time they shot him?

Answer. I saw the gun when it fired; it was a distance from me, but you know I could see the fire of the gun from here to the hotel.

Question. What was done with the body?

Answer. It was left lying there. They cut his head off to here, after they had shot him. They were going to let him alone, but some gentleman in the crowd says, "Don't; let's cut his head off," and they all went back and cut his head loose around to there, to the middle of the side of the neck, cutting around from in front. I have got the penknife that they used; they broke it in his throat; it is about a finger-length; it was a pocket-knife; they took the biggest blade.

Question. At what hour in the night did the crowd come there?

Answer. I did not have any watch, or anything of the kind, but I judge it was 11 o'clock.

Question. Had you been asleep?

Answer. Yes, sir; when I told Dr. McCall about it, that we were living with, he said it was about 11 o'clock; he said he guessed it was about 11 o'clock, because he was up in his house about 11 o'clock, and there was some gentlemen there from Mount Sterling, and they were up right late.

Question. Did anybody come there that night after the firing, to see what the matter was?

Answer. Not a soul came—not a soul.

Question. You say there were people living within the call of your voice?

Answer. Yes, sir.

Question. White people?

Answer. Colored people.

Question. Did any colored people come to see you?

Answer. No, sir; because all outside of the fence was guarded.

Question. What white man lived nearest you?

Answer. The man we were hired to.

Question. What was his name?

Answer. Dr. McCall.

Question. Was he at home that night?

Answer. Yes, sir.

Question. Could the firing have been heard at his house?

Answer. Yes, sir; he said he heard the firing when the orders were given for all to fire. They all fired at once; he said it sounded like somebody throwing down a pile of shingles. He said he heard it, and thought it was somebody throwing down the boards where they had been building at the roadside, between his house and mine.

Question. Was your husband working at his trade at the time in the blacksmith shop?

Answer. He was working at his trade and carrying on a farm, too.

Question. You do not know any one that he had had any trouble with?

Answer. Not one.

Question. Was he a peaceable, quiet man?

Answer. Yes, sir; he would not insult a child; his character was known all over Alabama. Mr. Lyon can give you his character.

Question. Was he a republican in politics?

Answer. No, sir.

Question. Was he a radical?

Answer. Yes, sir; he voted the radical ticket, and stood to it in any crowd, that he was a radical man, and at that time we were living among the democratic parties.

Question. Did they ever give him any trouble on that account?

Answer. Not at all; one gentleman came to his shop about two months before this happened, and pulled a paper out of his pocket and asked him what sort of a ticket did he vote, and he told him he voted the radical ticket.

Question. What did the man say to that?

Answer. He did not say anything at all, but he shut up his book and went off.

Question. Have you any knowledge or information of who any of these persons were who killed your husband?

Answer. Not a bit.

Question. Was there a coroner's inquest held over your husband's body?

Answer. The doctor kept him nearly two days to get somebody to come and hold a jury over him, but the men would not come; he could not get them together.

Question. No inquest was ever held?

Answer. No, sir; not a bit. I wanted to bring his dead body home, but they said it was not worth while; it was so warm they would charge me more than I would be able to pay.

Question. Who buried him?

Answer. I buried him with the colored people.

Question. Did you ever go and make a complaint before a justice of the peace or a judge about this?

Answer. No, sir; I never was before anybody; nobody put themselves to any trouble about it.

Question. Was anybody ever arrested or prosecuted about this?

Answer. Not a thing was done.

Question. Were there many white people in that neighborhood?

Answer. Not a great many.

Question. Were they radicals or democrats?

Answer. All democrats; there is not a radical gentleman in Choctaw; it is the lowest down county in the United States.

Question. So you do not know of any effort made by any one to discover who committed this murder?

Answer. No, sir; I could not say that I knew of one, positively.

Question. But you do not know that anybody has ever made any attempt to find out who the murderers were?

Answer. No, sir; I do not know that anybody has made any attempt in the world. Mr. Lyon did write two or three letters to find out from Dr. McCall had he ever heard any result of anything.

Question. You mean Mr. Lyon, here in Demopolis?

Answer. Yes, sir; he that used to be my master; he told me he had never got any answer. I put one of his letters in the post-office myself, and he has never got an answer. I have been here ever since he was killed—nearly four months.

Question. Did these men come on foot or on horseback?

Answer. They came on horseback.

Question. Did you see the horses?

Answer. No, sir; but I heard them when they were going along the road.

Question. Did you hear any whistle sounded?

Answer. Not one; I could hear the noise of the horses, and hear the saddles creak. I run near the fence where the road went along—the public road; when they went along, I was so far from the fence I could not see the horses, but I could hear, and knew they were horses, and I could hear the saddles creaking, and they were talking.

Question. Did you think there were as many as a hundred men there?

Answer. Yes, sir; there was as many as a hundred.

Question. You say there were thirty-three holes in your husband's body?

Answer. No, sir; forty-three.

Question. Were they bullet-holes or buck-shot?

Answer. I didn't take particular notice; but when the doctor raised him up and was examining the holes, him and another doctor from Mount Sterling, the shot fell out of his body, and some looked like buck-shot and some looked like cartridge-balls—big holes.

Question. How long before you went to see his body?

Answer. From 11 o'clock at night until sunrise next morning.

Question. He was dead then?

Answer. Yes, sir; he was dead before I left the house I am satisfied, for I heard them when they said, "Come, let's go and finish in the house," and they said, "Come, men, let's go back and cut his head off."

Question. Do you think they meant to kill you?

Answer. Yes, sir; because they told me distinctly at the house that they would kill me.

Question. What did they have against you?

Answer. They didn't tell me; they wanted to kill the family; they wanted to kill us dead.

Question. Did they speak of killing the children?

Answer. They said they wanted to kill all of us.

Question. How old was your oldest child?

Answer. She was here at school.

Question. But the oldest one there?

Answer. About fourteen, I reckon.

Question. Is he here now?

Answer. He is not in town; he is out in the country.

Question. Did you take your child with you when you made your escape?

Answer. He had jumped out and gone.

Question. Did you take the other two with you?

Answer. Yes, sir.

Question. And so you staid in the woods all night?

Answer. Yes, sir, all night long; the other two were girls; he was a boy, and could read and write very well, and he had been teaching school down there a little, and the reason he quit teaching was, they had sent him some threats, that if he didn't stop teaching the Ku-Klux would call upon him.

Question. How long did the crowd stay about your house after they shot your husband? You spoke of seeing them take a light and enter the house and stable and other out-houses. How long after they shot him were they about the premises?

Answer. I reckon they were about there for a half an hour.

Question. They seemed to be searching for something?

Answer. Yes, sir.

Question. You have no knowledge of where your husband kept his money?

Answer. No, sir; not the least; because whenever I asked him for any I got it.

Question. What was he saving his money for?

Answer. We wanted to come up here and build us a house.

Question. You had counted the money, had you?

Answer. He had counted it, and he told me he reckoned there was about six hundred dollars.

Question. Did the people about the county know that your husband had this money?

Answer. Not as I know of, but they always knew he was a very shifty man, and very smart about work, and his trade would bring him a great deal.

Question. Had he made this money since the war?

Answer. Yes, sir; he made some of it; I had a little before the surrender.

Question. Have you heard of any other negroes in Choctaw County being whipped, or shot at, or killed?

Answer. Yes, sir, I have.

Question. How many cases have you heard of?

Answer. I heard of two cases being killed that I know.

Question. Tell the committee all about them. State it as you have heard it.

Answer. A man was killed named William Ezell.

Question. Since you left?

Answer. Yes, sir.

Question. Was he a colored man?

Answer. Yes, sir.

Question. How far from you?

Answer. He lived about three miles from where I lived.

Question. Did you know him?

Answer. I have seen him often.

Question. When did you understand he was killed?

Answer. I do not know exactly; I had been away about a month.

Question. Did you understand who killed him?

Answer. No, sir.

Question. Or how many were concerned in killing him?

Answer. No, sir; I just heard that the Ku-Klux had killed him.

Question. Who was the other man killed?

Answer. One that lived at Tompkinsville Landing, on the river. You have heard where that is, haven't you? A man was killed there named Isaac. I can't think of the other name.

Question. Did he live at Tompkinsville?

Answer. Yes, sir.

Question. Was he a colored man?

Answer. Yes, sir.

Question. When was he killed?

Answer. Since Ezell—about a month ago.

Question. By the Ku-Klux?

Answer. Yes, sir; by the Ku-Klux. I knew him because he had two or three hogs raising them for me at the river. I went to send them to Mobile, and they put them out on the river, they were so poor, and I got him to take care of them.

Question. Have you heard of any other colored people being killed?

Answer. I have heard of several being killed, but I don't know whether it is true or not, and I don't like to dwell upon them.

Question. Have you heard of any colored people being whipped?

Answer. They whipped one woman. The Ku-Klux got after her husband, and he got

away, and they went to her house and whipped her very badly. I don't know whether she is dead or alive.

Question. Did you know her?

Answer. No, sir; I just knew she lived in Choctaw.

Question. Did you understand that she was whipped by the Ku-Klux?

Answer. Yes, sir.

Question. When was that done?

Answer. That was done the week after I left.

Question. Did you ever hear of any Ku-Klux before your husband was killed in Choctaw County?

Answer. Yes, sir.

Question. How long before your husband was killed had you heard of Ku-Klux?

Answer. A good while; I heard of them last year.

Question. What were they doing in Choctaw County last year?

Answer. Nothing serious; I heard they were going about; they hadn't done no murder or anything of the sort.

Question. Have you ever seen the Ku-Klux yourself except that night your husband was killed?

Answer. I never did. I lived with Judge Smith before I moved up there on his plantation.

Question. Did the colored people stand in great awe of the Ku-Klux—great fear of them?

Answer. Yes, sir; on Judge Smith's they did, because they lived with a Yankee.

Question. Is Judge Smith a Yankee?

Answer. O, yes, sir.

Question. Isn't he the county judge?

Answer. The State judge.

Question. Did they ever visit his plantation?

Answer. They never visited it, but we know the colored people that lived there always guarded it at night. They didn't visit it, but they always were threatening; we always could hear of threats that the Ku-Klux were coming. The Friday night before the Tuesday when Abe was killed, I was told after Abe's death that the Ku-Klux had called on Judge Smith at his plantation, and had called him out of the house, but he didn't come out; he jumped out of some back window and left his light burning, and they still thought he was in there, and they started to go up in the house. They saw the light burning and went in the gallery; so I was told by the colored people. I do not know whether it was true or not; it may not have been so; they didn't break his house open, but they went up in the gallery with the horses.

Question. What was the trouble with Judge Smith; what objection had the Ku-Klux to him?

Answer. I don't know what objection.

Question. How near do you live to Judge Smith?

Answer. I lived with Judge Smith two years; last Christmas I moved up to Dr. McCall's.

Question. Were the whites in that part of the county mostly democrats?

Answer. O, yes, sir; they are mostly democrats.

By Mr. BUCKLEY :

Question. Before you left Choctaw, and before your husband was killed, did you ever hear of any colored men being whipped?

Answer. No, sir. I never heard of any of them being whipped as I recollect.

Question. Does Dr. McCall still live down at Tompkinsville?

Answer. He don't live at Tompkinsville, but fourteen miles out from the river.

Question. Is he still living there?

Answer. Yes, sir.

Question. Did you ever find the box that contained the money?

Answer. No, sir; I looked for it diligently, but I never found it; I couldn't tell where he put it.

Question. Was your son teaching a colored school?

Answer. Yes, sir.

Question. Did they break it up?

Answer. We broke it up after hearing the talk about the Ku-Klux, that they would call on him.

Question. You stopped it then?

Answer. Yes, sir.

Question. Did you ever hear of any other school being broken up?

Answer. Yes, sir. He was just a lad of a boy, and the colored people on the place found that he could write pretty well, and they wanted him to teach them some, and he said he would, and they would pay him and he would teach them, and they went on a month with his school, asking every head four bits a month, and I reckon he had

twenty-five scholars, and the white people didn't like it about the colored people learning to read down in that part, and so they said, or we were told by some of the school scholars that came there, that they heard the white people say they were going to call on him some of these nights about that school.

Question. Did you ever hear that any churches were burned?

Answer. Yes, sir; the colored people's church at Tompkinsville was burned down.

Question. Burned in the night?

Answer. Yes, sir.

Question. Is it known who burned it?

Answer. No, sir.

Question. Did they ever have school in that church?

Answer. I don't know whether they did or not. I didn't live there.

Question. Did they have any schools down at Butler, the county-seat?

Answer. Not as I know of.

Question. Did they ever disturb Judge Smith, down there, in any way—burn anything of his?

Answer. No, sir. O, yes; they did. I take that back; they burned up his gin-house. His mill was all together, and they burned down a good deal of fence around his farm, and since we moved from there, last Christmas, and during the time they were pitching and planting the crop in the ground this spring.

Question. Is it reported that disguised men burned up his mill?

Answer. No, sir; nobody knows whether they were disguised or not; it was done in the night, when everybody was asleep.

By Mr. BLAIR:

Question. When you came up here from Choctaw, immediately after this occurrence, did you not tell the people here that it was the black people who killed your husband?

Answer. I told them I thought they were black people; I could not say, really, whether they were or not. I knew there were some white men in it, because they guarded him, and I could see that they had white faces like yourself. Now, the reason why I said they were colored people was, because they picked him up so, and toted him so strong and deliberately. I didn't say they were or were not colored people there. I would not dare to say but what there was some colored people in it.

Question. Did you not give everybody here to understand that the whole party were colored?

Answer. No, sir; I didn't.

Question. Didn't you tell Mr. Frank Lyon that?

Answer. No, sir; I didn't tell him that the whole party was colored. I told him seventy-five men, as near as I could get at it, stood at the door and guarded me.

Question. Seventy-five colored men?

Answer. No, sir; white men. They were white.

Question. You do not know any reason at all for killing your husband?

Answer. No, sir.

Question. You never heard any reason assigned for it?

Answer. No, sir.

Question. Either then or afterward?

Answer. No, sir.

Question. What reason did you tell Mr. Lyon?

Answer. I didn't tell him anything more than I told him I thought it might be the case that they brought him up on last year, but I wouldn't say that was it. I told him that was the only thing I thought would create such a thing.

Question. What was it?

Answer. They brought him up last year about a case between him and Mr. William Tucker, about some mules, and you know Mr. William Tucker staid in jail a year here, a white man; when they brought Abe up here as a witness with him, about these mules, I don't know what the decidement was, but I suppose it was all square law. I told Mr. Lyon I didn't know what it was, without Mr. Tucker had an old grudge, and made up a crowd and did that.

Question. Was he a witness against Mr. Tucker?

Answer. I don't know what it was, but I know it was something concerning these mules, and Mr. Tucker staid in jail about it.

Question. What testimony did he give in the case of Tucker?

Answer. I don't know; he never told me. I can't tell anything about it; he was only a witness here for something.

Question. Was he witness against Tucker?

Answer. I don't know whether he was a witness against him, or how.

Question. You had an idea, then, that it originated in that case?

Answer. I thought it might have originated in that; I brought that in, because I didn't know of anything else he had done or said.

Question. Was Tucker a white man?

Answer. Yes, sir.

Question. Was he apprehended for stealing mules?

Answer. Yes, sir.

Question. From whom?

Answer. I don't know who the mules were taken from, but it was done directly after the surrender.

Question. You do not remember, then, that you told Mr. Lyon, and other persons here, that your husband was killed by negroes?

Answer. Not negroes, alone; I wouldn't dare to say but there was some in it, and the reason I said so was because they picked him up and toted him so strong and so deliberately, but I know when I see a white man's face I know it.

By Mr. BUCKLEY:

Question. You say the men who picked him up were disguised?

Answer. Yes, sir.

Question. You could not see their faces?

Answer. I could not see their faces.

By the CHAIRMAN:

Question. Can you not tell your own people by the way they talk?

Answer. Who could tell their voices there; they could change their voices, and there was so many, and it was done in a scare, when nobody would recognize their voices. I did think I recognized some of the voices, but that won't do, to think about this thing; that wouldn't pass. I thought I knew some of the voices, but that wouldn't do.

By Mr. BLAIR:

Question. You say you saw the faces of some of these white people?

Answer. Yes, sir; I saw the faces.

Question. You did not know any of them?

Answer. No, sir.

Question. You never had seen them before?

Answer. No, sir; not as I know of. It was dim; the moon was shining, cloudy. It did rain after they killed him. They all were standing out before the door, and I couldn't tell one from the other in such a scare as that; it would be hard for me to tell, in a dozen men, which was which, standing that way, and I scared nearly to death myself.

Question. Mr. Lyon wrote down there, you say, to see if he could find out about it?

Answer. Yes, sir; he wrote several times. Mr. Lyon looked like he was trying to do what kindness he could, though I am very much oppressed now; I haven't got anything; they run me off from all I had; I can't get any help.

Question. Did your husband own the shop and tools?

Answer. He didn't own the shop; he rented it.

Question. Did he own the tools?

Answer. He owned some of them.

Question. Have you recovered any of the property?

Answer. Only he had some five or six hoes, and I sold them to get some money to come up here.

Question. What is the value of the property you have left behind; what is it worth?

Answer. I can't hardly tell you; I left a little two-horse wagon, which he gave \$75 for.

Question. And household and kitchen furniture?

Answer. No, sir; we were just moving around from pillar to post; he just wanted to make right smart money to buy him a piece of land and build him a house.

Question. Did you bring away your bed-clothing?

Answer. Some of them I brought away; some I had to give away.

By Mr. BLAIR:

Question. Do you suppose anybody knew he had this money?

Answer. I don't think anybody knew it.

Question. They knew he was a thrifty, money-making man?

Answer. Yes, sir; a fast money-making man.

Question. Was it not likely they killed him for his money?

Answer. I reckon so. They must have killed him for something.

Question. Killed him to get the money he was supposed to have?

Answer. I don't know; I reckon they must have, but I can't say they killed him for that, because they have killed some since I left, and I don't know what they killed him for.

Question. You saw them searching the house?

Answer. Yes, sir.

Question. They were looking for something?

Answer. Yes, sir; I thought they were looking for me; I never thought of money until next day; it looked to me like they were looking for me, because they went out in the foul-house—the hen-house, with a light, and in the stable, and then they went in the house and pulled the bedding off the bed, and they looked like they were looking for money very closely.

Question. They tore up everything to make search?

Answer. Yes, sir.

Question. Did they look under the house?

Answer. Yes, sir; these men standing at the door said they were going to have the whole house all on a tantery, signifying that they would burn it down. I said, "You can burn it down and welcome; it don't belong to me, but Dr. McCall." He said, "If it's Dr. McCall's I won't burn it down, but I am going to make sure of you."

Question. Did they say what they wanted to kill you for?

Answer. No, sir; I didn't ask them.

Question. Did you see the doctor afterward?

Answer. Yes, sir; I saw him next day.

Question. And he said he heard those people shooting?

Answer. He said he heard this noise, but he thought it was some of them moving the boards hard, which they had been doing a night or two before, working all day building a house between my house and the doctor's house, and they would throw out the lumber where they had been building; and trash was there. They would throw out the boards, and it would make a loud noise, and he thought it was moving some boards and something out of the yard.

Question. Did you tell him your husband had been killed?

Answer. I sent him word in the morning, when I came out of the woods, and when I was telling him how they shot him, he said he heard the report of a pistol, but thought they were throwing down boards on each other.

Question. Did he have any idea why your husband was killed?

Answer. No, sir; he didn't seem to have the least idea in the world, and they couldn't get the men together to hold a jury.

By the CHAIRMAN:

Question. A coroner's jury?

Answer. Yes, sir.

Question. What was the road this crowd took when they left that night? You say you could hear them pass down the road, though you could not see the horses?

Answer. They took the road that went from my house up to where the stores were.

Question. In De Sotoville?

Answer. Yes, sir; my house was on the road like; they were going to Tompkinsville.

Question. Did any white people go, before you left, and examine the tracks of the horses, and try to find out where this crowd came from?

Answer. No, sir; I asked them to do it and they wouldn't. I asked them to go and follow them while the tracks were fresh, in the morning.

Question. What did they say?

Answer. They said it wouldn't be worth while, and I told them they were fresh tracks; they said, "We can't tell them from a hundred tracks," but they wouldn't put themselves to any trouble about it.

By Mr. BUCKLEY:

Question. You say it had rained in the night?

Answer. Yes, sir; a drizzling shower.

Question. Were the tracks plain?

Answer. Yes, sir; very plain; it looked like a great many horses; the road was very badly cut up, but the people didn't do anything. It seemed to me if I had been at home here it would have been run up better, and more attended to.

DEMOPOLIS, ALABAMA, October 24, 1871.

WILLIAM T. BLACKFORD sworn and examined.

By the CHAIRMAN:

Question. You may state your place of residence and occupation.

Answer. Greensborough, Alabama. I was probate judge of that county. Prior to 1867 I was a physician. I practiced medicine there in Greensborough for twelve or fourteen years.

Question. How long have you lived in the State of Alabama?

Answer. Since the 2d day of February, 1857.

Question. Did you marry in this State?

Answer. I did, sir. I married my second wife in Greensborough, Alabama.

Question. What was your position at the time of the secession of Alabama?

Answer. I was a Union man, sir; a Union man up to—well, all the time.

Question. Were you persecuted on account of your Union sentiments?

Answer. I was, sir. After the secession of Alabama I was tried by a vigilance committee for my fidelity to the Union. Through the interposition of friends, however, my life was saved.

Question. What part did you take in the war?

Answer. After the vigilance committee had tried me, my friends advised me to go to the army, to join the army of the confederacy. I told them I should not do so, but that I was willing to go in the capacity of a surgeon in the army without a commission; that I could not take the oath that was required by the officers of the confederacy; and I went out first with the Fifth Alabama Regiment, afterwards with the Thirty-first Alabama Regiment; and remained in the war, backward and forward, as necessity required, until the surrender. What I mean by necessity is, whenever any persecution arose at home I would go off into the army again.

Question. Were you appointed judge of the court of probate after the adoption of the new constitution?

Answer. No, sir. I was elected by a very large majority; I think, some 3,520 majority.

By Mr. BLAIR:

Question. In 1868?

Answer. Yes, sir; in 1868.

By the CHAIRMAN:

Question. How long did you hold the office?

Answer. I held the office from, I think, in July. I was installed into the office, and from that time until about the 1st of March, 1871. I cannot tell positively the day.

Question. That was in Hale County, as I understand?

Answer. Yes, sir; in Hale.

Question. Is Greensborough the county-seat?

Answer. Greensborough is the county-site of Hale County.

Question. Was any opposition manifested to your exercising the functions of that office in Hale County?

Answer. Nothing more than the general opposition to all white men who participated in the republican party. When I went to the probate judge who was in possession of the office, and showed him my commission, and demanded, or at least told him that I was entitled to take charge or possession of the office of probate judge of Hale County, he stated that he would yield by entering his protest on the minutes of the probate court, which was there, which went on to make a great many statements, the particulars of which I do not remember, but that he gave up this office to military force and power, &c.

Question. Was any military force employed to eject him?

Answer. No, sir; none.

Question. That was all a figure of speech, then?

Answer. That was all a figure of speech on his part. There was no military in the town at the time, nor near it, that I know of. I proceeded with my official duties from that time, engaging in the different campaigns that followed, with the usual, or at least with an immense amount of opposition, and an ostracism that almost amounted to terrorism, until about the 1st of March, 1871.

Question. Did you then resign the office?

Answer. Yes, sir; I resigned the office, because of the circumstances that took place about the 19th of January.

Question. What were those circumstances?

Answer. On the night of the 19th of January—

By Mr. BUCKLEY:

Question. Last January, do you mean?

Answer. January, 1871, there was a body of disguised men, about sixty or seventy, visited Greensborough. They went to the house of my mother-in-law, Mrs. L. M. Nutting; they demanded entrance. Mr. Tucker got up and unlocked the door. They inquired if I was in my room. He stated that he did not know, but thought I was not. They ordered him to light a lamp and conduct them to my room. He did so. They tore up the clothing in my room, and they then searched every nook and corner of the house, stating to him that the family need not be alarmed; that they did not propose to injure the family, but that they were going to have me. Failing to find me they went to a suite of rooms where I had my office—in the same house that I had my office. A light burning in an up-stair room in the same building was occupied by Mr. James E.

Griggs. They went to that room, seeing the light there, and demanded of him to turn up; using his language, "Griggs, we do not want to hurt you, but where is Blackford?" Said he, "I really don't know, but I suppose he is down in his room, down stairs." "Turn up your lamp, and show us to his room." Mr. Griggs did so, and when he got into my room, some one, I think, took the lamp from him. They failed to find me. They took my hat and some of my clothes, and carried them down street on a pole, swearing that they had failed to find me this time, but that they would catch me some time. They also stated that they would be damned if any republican should ever live in Alabama as long as they had an existence, or some such thing. They said, "We have got his hat, and we will have him where we have got his hat;" they were exhibiting the hat on the pole. They then started a little farther down the street, and said, "We have failed to catch Blackford; let us go and turn McCrary out of jail, because he was arrested by a nigger." They went around to the jail, or went to the jailer, and ordered him to deliver the keys, which he did, and they turned McCrary out. They then passed on down the street by Mrs. Nutting's. They stopped opposite the house and fired a number of shots into the house, one of which passed through the window into my little daughter's room. I have a little daughter of between eleven and twelve years of age, who was sleeping in the room with her grandmother, and they did not miss, could not have missed her head from the position in which she was lying, more than six or eight inches; at the same time swearing that they would demolish the race. They left after that. The whistle blew from their commander, and they left. I would have been captured by that party had it not been for the information that I received from a negro whom they captured, who lived on my lot, and was supposed to know precisely where I was. He, together with the present mayor of the town, misled them as to where I was that night. The negro was carried down by them down to Mrs. Nutting's. He pointed out the room up-stairs where I slept, and then, of course, they paid no further attention to him, and while they were ransacking the house there, he ran back to the office and gave me the information. I, of course, left my bed, and, with what clothes I could grab in my hands, I made my escape to the woods, where I remained until morning.

Question. How do you derive your information as to what transpired?

Answer. From my brother-in-law and my mother-in-law and my sister-in-law, as to what transpired in the house. I derive it from Mr. John S. Tucker, my brother-in-law, Mrs. L. M. Nutting, my mother-in-law, and Mrs. Anne Tucker, as to what transpired in the house. As to what transpired in the other house I derive it from Mr. James E. Griggs, together with what I heard, for I was only over the hill a little distance from them, standing in a position where I could reach the swamp before they could circumvent a ditch with their horses, before they could get around that ditch and catch me.

Question. From your place of concealment could you observe these men?

Answer. I could see them very distinctly; that is, I could see the white and different colors. It was a very beautiful starlight morning; there was no moon, however, but looking from the hill that I occupied, I looked down at an angle of about, I suppose, some 35°, where they were in my lot.

Question. Could you see that they were mounted?

Answer. Yes, sir, I could see. When I first ran out of the room, however, I ran to make a large brier swamp on the south side of the town, and I got about the middle of the street, and they were coming up in full breast, all mounted on horseback, and I found I could not get by the court-house or over the square without being observed. I then turned and went down what we call Centreville street, and turned the corner of my stable; that sheltered me from them when they turned. I then got in behind a hedge of tea-roses, almost as wide as this room, and as high as a man or a horse, and behind that I was sheltered from view. Some of them, I think, got a glimpse of me as I turned around my stable to the right, and rode down there, but I reached the brier patch across a lot 280 feet, which is the depth of my lot. I reached this tea-rose hedge and got behind it, and climbed a fence, and got behind Mr. Adell's house, and that put me in a ditch, which I crawled up and then got up opposite Mr. Pitman's house, and then on the hill, and stopped to put on my clothes. I was in my bare feet, but in my drawers. I had grabbed a coat and pair of breeches as I ran.

Question. Could you observe that they were disguised?

Answer. Yes, sir; I saw them disguised twice. When they rallied around the house and said, "We have got the damned scoundrel now," I then stepped back this side of Mr. Pitman's house, where I could see distinctly all over my lot, and I could see they all looked like a mass of white moving around. I also saw them on the street when I first ran into the middle of the street; coming up I could see them; they were all disguised. That, with the information I had from Mr. Tucker and Mr. Griggs, describing their appearance, disguises, &c., confirmed my own sight. They shot a number of times; they shot a perfect volley around the house, and did not shoot into my house at all; that is, into the house where I was sleeping that night. It might be well for me to state here that I had some horses, fine horses—stock—and the boys had been giving me a good deal of trouble by opening the doors and shooting my stable dogs,

&c., so that I had to put a guard there. I staid up at my office. I had a suite of rooms furnished there, and also at Mrs. Nutting's, where I boarded regularly, and I staid up there so as to assist my men in case any effort was made to tear down or burn up my stable with my stock in it. They had several times entered my stable and carried my trotting-wagons and sulkies away off to the Southern University and put them away up on the balconies, and these things, all of which I looked upon as harmless sport. Now that is all pertaining to that point. Four or five months prior to that, a gentleman of prominence in the State of Alabama, a confederate general, who is personally a warm friend of mine, and to whom I was a friend, came to me and asked me to resign. He stated to me that I would not be permitted to hold the office of probate judge any longer, and in order for my own personal security that I had better resign, and to do it peacefully and quietly, and to leave the country. I, of course, at first did not accede to the proposition. In a second conversation I did accede, and proposed to any party that wanted my office that if they would purchase my property—my real estate in the town—and give me what any three men of their own selection would say, rather than encounter any danger, I would resign my office. This gentleman put me in communication with an attorney there, and there was a kind of negotiation going on for several days, without any tangible result.

Question. Have you any objections to giving the committee the name of the attorney you were put in communication with?

Answer. None, sir. It was Mr. Thomas Sea, a partner of Judge A. A. Coleman.

Question. Proceed.

Answer. After several days of effort in that way, I saw the gentleman, my informant, who did not wish to be known in the matter, and told him I feared that there could be no arrangement made by which I could get away in safety. His reply to me was, "You had better make a sacrifice and save your life, because the people are determined that you shall not hold this office, nor no man occupying your position," and that "since the election of Governor Lindsay that question is settled."

Question. Let me inquire at this point whether any objections had been made to the manner in which you had administered the affairs of that office; was there any allegation against you that you were not efficient or competent?

Answer. No, sir; nothing—the reverse. Every attorney in that town asserted the fact that I was not only efficient, but that I was really better, a better officer than—or, to use their expression—"one of the best officers that they ever saw." That is their expression; that I was the most impartial man. This was the assertion of the attorneys.

Question. Was there, so far as you could learn, any objection to your holding the position, except your political sentiments and the active part you had taken in behalf of the republican party?

Answer. None, whatever, sir.

Question. You may now resume your statement as to the causes that led you to resign.

Answer. I was speaking at the time of these propositions, and anticipating what the results would be. Now then, I come back to the time in which the Ku-Klux moved me—on the night of the 19th or 24th—I am not positive which; I have a note of the time, however, elsewhere. I went to several parties, who had been my warm personal friends, during that day. During that morning, however, I was very much excited, of course, when I heard the firing. I was not excited till I saw the firing into my little daughter's room. I then came up the street. I had an idea who the Ku-Klux were. I met two or three of them, and I demanded satisfaction. Of course I did not state "You were there to Ku-Klux me," but, said I, "I am here prepared to fight any five of you damned assassins here, in broad daylight, that came and attempted to murder my child. As for me, my life is worth but little, perhaps, but you have committed an outrage upon a little innocent girl, and, damn you, I would sooner die on these streets than live a minute. Now, if you have got one particle of bravery about you, come now, and any five of you give me a show for my life, and I will settle the question here. Any men that will go about in this manner, I look upon as cowards and villains, and therefore one of them would not fight, but maybe five of you will take up this fight." I went on up to the office. After a little while I became more calm. I, of course, now was armed. I want to make this statement: I armed myself thoroughly before I left the house to come up the street, after I saw this outrage of shooting into my little daughter's bed-room. I armed myself thoroughly, and intended to sacrifice my life if I could get any of these villains to come out on the street; that was my full intention. I knew I would be killed when anything commenced, but I intended to do it boldly and squarely. I went to my office, and after I became a little more quiet and calm, several came to me and talked the matter over. A great number of the very best citizens said to me, "I regret this very much," &c. That passed on. That night I was advised by a negro man that I had better not stay there; that they would be back again. I went to the woods; took my shawl and staid until about daybreak next morning, and then returned again to town. It was on Wednesday this occurred.

On Wednesday night I went to the woods. On Thursday there was a good deal of excitement throughout the town; still I was advised again by some respectable gentleman there that I had better not be caught either at Mrs. Nutting's or elsewhere, because I would certainly be murdered. I went to the woods again.

Question. What month was this in?

Answer. In the month of January, 1871. On Friday, the usual visits from respectable gentlemen and attorneys, &c.; the sheriff called on me to make a statement to the governor of the State, and also to request Mr. Tucker to make a statement to Governor R. B. Lindsay as to what had occurred, which I did in a very short, concise letter—that I had been outraged, &c.; I do not remember now the phraseology. The substance of it was, simply, that I had been outraged, and by a body of disguised men. The sheriff made a thorough report, attested by one or two other citizens, to Governor R. B. Lindsay.

Question. What action was taken upon that report and upon your application?

Answer. Governor Lindsay, after he received that report, wrote to Colonel Allen C. Jones, Mr. J. H. Y. Webb, Colonel Hugh W. Watt—he named over one or two other gentlemen—asking them to organize a militia at once for—

By Mr. BUCKLEY:

Question. Was this a circular?

Answer. It was simply a letter to those gentlemen addressed to Colonel Jones. Colonel Jones showed it to several parties. This letter was for them to organize a militia of the best men in the town to put down these outrages. I was told that Colonel Jones said that he dare not do anything of that kind, because he was still under disabilities, and that he had been a confederate soldier, and, therefore, could not and would not do anything in the way of raising a company.

By the CHAIRMAN:

Question. Was any company raised?

Answer. No, sir. Now, on Saturday after the night that the Ku-Klux were there, a committee of several gentlemen, of my old personal friends from the country, came to me and were in my office, and a Mr. Thomas Armstrong—he has a middle name, but I do not know what it is—whose family physician I had been for some years, came to my room, and took me privately, and said, "I must converse with you; I must see you." We went into the room, and said he, "Sir, as your personal friend, I came to warn you to leave this town; you will certainly be assassinated, and those of us here would deprecate such a thing very much." Said I, "Mr. Armstrong, I can do nothing; I have no means; here is my property," &c. Says he, "If the people would come and give you means to leave on mortgage for your house and lot, perhaps some arrangement of that kind can be made; but," said he, "If you were to hear what was going on down town among the people—the country people that have come in from certain sections of the county—I am satisfied you would not stay here." Says I, "Mr. Armstrong, I leave here every night and go to the woods, and I have a few faithful negroes that stand as a guard over me, and I get a little sleep in that way, or have been doing so, but what to do I do not know." Says he, "Will you permit me to go and get a committee of citizens to wait on you?" I said, "Certainly." He went down town, and he selected Colonel John G. Harvey, of the Alabama Beacon, Dr. Woodsworth, a professor then in the Southern Methodist University, and Mr. A. S. Jeffries, and Mr. John Henry Webb, I think, was in the committee, and one or two others, I think, whose names I do not remember distinctly, were in the committee. Before that committee arrived, however, Mr. Watt and Mr. Harris Tinker—Mr. Tinker in whose family I have practiced for ten or twelve years—came into my private room, and when the time arrived, they walked in, and the committee said to those gentlemen, "You can take a seat here, also, because what we come here for is of public interest." I do not remember which of these gentlemen first initiated the conversation as to the object of their visit; but, at all events, this question was propounded to me: "Do you conceive yourself to be in danger?" &c., &c. Said I, "Gentlemen, you know better whether I am in danger than I do." "Well, we citizens do not approve of this course, &c., but we cannot stop it, and we regret it," &c. I am satisfied that language came from Colonel John G. Harvey, and it was sincere, for he meant every word that he said, so far as his own opinion was concerned. The question arose as to my borrowing money on a mortgage on my property; that my property was entirely unencumbered. I replied to him that I would not give a mortgage on my property for the purpose of getting barely money enough to get away; that I would have the same trouble in getting back there to dispose of my property and what interests I had there that I have now. Mr. Jeffries then remarked, "Money is very scarce here, and I don't think we could raise money enough to purchase your property." Said I, "Mr. Jeffries, if you are disposed—if you propose to force me to this measure—you could very well give me notes I could deposit, payable in bank, and let me draw from thence such an amount as will be necessary to get me out of the country."

He says, "What do you ask for your property?" "Well, sir," said I, "I will leave it to any two men; you select one and I one—to show you that I am not disposed to put anything in the way of bringing about any more troubles; any two men, you select one and I the other, shall fix the price of this property." They acceded to that, and thought they could pay me on the 1st of next January. They asked who I would select. I told them, of course I would select Mr. Tucker, my brother-in-law; that, in any emergency, he would be my administrator or executor, and I preferred him to act for me. They acceded to it, and the writing was drawn up by Mr. J. T. Walker. Some week or ten days now elapsed while this discussion was going on and subscriptions from the different citizens for the purchase of my property. In the meantime, the colored people became very much excited, and sent a committee to Montgomery, who waited on Mr. George M. Duskin there, our representative, and, I believe, made application to Governor Lindsay, and Governor Lindsay said he would like to see me. The committee of colored people returned, and told me what Mr. Duskin and what Governor Lindsay had said to him to be said to the committee, what Governor Lindsay had said to Mr. Duskin for him to repeat to the committee. That I received on Saturday evening, and on Monday morning I started for Montgomery. I reached Montgomery, and I met Governor Lindsay. I first saw Mr. Duskin. I met Governor Lindsey, I think, in the Exchange Hotel. Governor Lindsey remarked to me that he regretted this occurrence very much and said, "What can I do?" "Well, sir," said I, "I do not know." "Well, what do you desire me to do?" "Nothing in the world, governor, but what every citizen is entitled to—the protection of his person and property." "Well, sir," said he, "I will see you to-morrow." This was in the evening. I saw Governor Lindsay the next day and I told him the propositions that were going on for my resignation, &c., and that I considered it absolutely essential to preserve my life to resign and get away, and the negotiations that were going on. Said he, "I have received a letter from Mr. J. T. Walker, stating that your course there as an officer was entirely acceptable to the people, but that you are inimical as a republican," and, said he, "I have also had some conversation with my democratic friends, and I cannot accept your resignation." "Then," said I, "Governor, will you give me protection?" "Well," said he, "What can I do?" "Well, sir, you have the authority; you are the executive of the State, and I think you are in possession of full authority to protect its citizens." Said Governor Lindsay to me, "Do you wish to resign?" "No, sir; I do not wish to resign if I can be protected. All I have is there; my home is there; the grave of my wife is there; my child is there, and all that I have; all that I think dearest to me on earth is right there, and I do not wish to resign except to save my life. Of course, when my life becomes a question in the balance, then I will resign or do anything to preserve it." "Well, sir, you go back home. I have written"—and then he alluded to this letter—"to the most prominent citizens of your place, and the papers, &c., have taken this matter in hand, and I think that public sentiment will soon frown this down and that we will soon have peace," alluding to an article in the *Selma Times*. Said I, "Governor, that is very good on paper, but it don't do well where a man's life is involved." "Well, sir," said he, "that is all I can do; and let me assure you I have the most friendly feeling for you," &c. I returned home, and this negotiation was going on, but still had not been perfected, and to bring the matter of the negotiation to an end at last it was concluded, within a few days after I got home, for the disposal of my property at a greatly reduced price. The men we had selected failing to agree, called in a third man. I then requested of this committee to tell me how long they would allow me to close my business. I got Mr. Walker, who was now representing me in the matter, a strong, ardent democrat, to ask the committee how long they would permit me—what time they would permit me to settle up my business—to close up my matters there. He went and saw several of the gentlemen, and they said they did not suppose they would be in a hurry about it; they would allow me some time, but they all suggested that I had better do it as soon as possible. The sale was concluded, the titles all examined by their attorneys, and the sale of my property was concluded at \$5,500—a property that had sold at \$6,700 at public outcry in 1866; but that was the best that could be done, my brother-in-law told me, and therefore he thought it was better to take it and make the sacrifice of the difference. I, of course, acceded to what he said. I then went, afterward, and disposed of what property I had there—a number of horses and vehicles, &c. I thought I could not house them well. I did it in a few days, and left a race-track on the fair-ground I was building for the benefit of the people, on which I had expended a large amount of money, without any sale or any supervision whatever. I had some mares that I concluded to send to Kentucky to breed, which I did. On Saturday morning, after I started with them, Mr. John Henry Webb came to Mr. Horace Tinker and told him I had better not stay in town that night; that my horses had gone, and that the bitterness was growing worse rather than better. I went to Mr. Webb myself, and took him in the back room of D. F. McCreery & Co.'s store, and said, "What authority have you for saying I am not safe? I would like to spend one or two nights with my family before I go, at least;" for here let me say I

have not slept in a house where white people live from the time of this outrage but once or twice, and that was in the country, barring the time when I went to Montgomery, from the time of that outrage, always going, sometimes away off two or three miles, but went at night to negro cabins, the negroes very kindly volunteering to guard me, standing as guards to advise me of the approach of these parties. Some of the houses to which I went I can state. Perhaps it would not be well for the negroes there that I would state it, but I can state the negroes' houses where I went, where I was invited, and where the poor people did the very best they could for me after being exhausted; and I have contracted by the exposure a disease in my legs—erysipelas—in my extremities, the marks of which are here on my legs. Here are some of the others. [The witness raises his pantaloons, showing scars and scabs on his lower extremities, below the knees.] I contracted this by laying out in the frost and rain in the woods.

By Mr. BUCKLEY:

Question. How many nights in all were you out?

Answer. I lay in the woods, in all, I think, seven nights, that I was not under any cover or shelter whatever. The balance of the time, about eight or nine nights, I was part of the time in negro cabins, and part of the time in the woods. I would walk and stay in the woods, and lay down with a shawl, with one or two faithful negroes near me, so as to advise me on the approach of any person. During this time several parties came on my lot, hunting around for me; so the negroes informed me when I came home in the daylight—that so many men were prowling about during the night. That still kept me on the alert.

By the CHAIRMAN:

Question. What was the condition of the weather during this time that you were compelled to lie out in the woods?

Answer. My recollection is about this, that there were three nights that it rained; the balance of the nights it was cold; sometimes cold and cloudy, and sometimes cold and frosty; very cold; that is, at night; but three nights it rained all night, so that when I came in in the morning, as Mr. James E. Gregg will tell you, I was as wet as if I had been laying in the river, rather than in the woods.

Question. You had no shelter in the woods?

Answer. None whatever. On this Saturday night—returning now to where I left Mr. Webb—Mr. Webb told me, "I have heard enough to satisfy me that you are in great danger, very great danger, by remaining here to-night." That I think was about the evening of the 14th of March. I think that was the date. I think I started my horses Saturday morning, the 14th of March, and that was the afternoon Mr. Webb remarked to me, "Tom"—that is his cousin, Thomas E. Webb, an attorney—"has said to me that he has heard enough." Said I, "Mr. Webb, it is hard I cannot spend one or two nights with my family before I leave here, and see them. I would sooner die than to be in this situation." "Well, sir," said he, "I just told you what I have heard. Of course, you can pursue what course you please, but my advice for you, Doctor, is to go." Mr. Tinker came to me and said, "You go and get a horse, and go down the back street to my house, and if a man comes there, he will have to walk over my dead body before he shall disturb you." I told him I appreciated it very highly, and I went and borrowed a horse from Mr. Allen—my horses having all been sent off—from Mr. Allen, who was occupying a room in my building, opposite Squire Griggs's room. I took down the back street, and was to meet him out of town, which I did. He leaving nearly the same time, caught me about a mile or a mile and a half from town.

Question. Mr. Tinker was a democrat?

Answer. Yes, sir; Harris Tinker always was a democrat.

Question. Webb, also?

Answer. Yes, sir.

Question. And both personal friends to you?

Answer. Yes, sir, both. Mr. Tinker is a devoted personal friend of mine. I have been the family physician in his mother's family and Dr. Hill's family, his brother-in-law, and Pole's family, brother-in-law of Tinker, for twelve years. I remained at his house until Sunday evening.

Question. He lived in the country, I understand?

Answer. Nine miles in the country. Sunday evening I returned home a little after dark, intending to leave on Monday morning for Kentucky with my horses, having allowed my horses two days to reach Selma, where I shipped them from there to Louisville, Kentucky. I had started my horses on Saturday, you will observe. I came home on Sunday night. Two or three colored people were there volunteering to guard me all night. I sat up and talked to the family until, I reckon, about 12 or 1 o'clock that night. I then went into a little room, where I could make my escape in case any noise came up, and once during the night the colored man, George Jackson, who was guarding that portion of the lot, told me that he heard some horses going up street. Several horsemen rode up street, and right by there. Then some ten or twelve negroes

armed and guarded me to the railroad depot, a little over a half mile from Mrs. Nutting's residence. I then took the cars and went on to Selma.

Question. That was Monday morning?

Answer. Yes, sir, Monday morning. At Selma I found my horses awaiting me, and I put them aboard the cars and went from there to Louisville with them. That is, I think, a succinct history of all the important features of that matter. The persecution of the Ku-Klux in that country was not only to myself, but to others. I saw the first Ku-Klux in 1868. They rode and filed around my house; it was a beautiful moonlight night. There were eighteen, I think, on that occasion. Mr. Tucker and myself got up and looked out of the window, and saw them, though they did not attempt any harm to me.

Question. That was in 1868?

Answer. Eighteen hundred and sixty-eight. I had received during that time, I think, eleven different notices from the Ku-Klux organization to leave the country, or that they would go for me.

By Mr. BUCKLEY:

Question. Have you any of those notices with you?

Answer. I have a number of them in my trunk in Greensborough, where I expected to go; where I thought, if I was examined, the committee would examine me, and then expected to produce them.

By the CHAIRMAN:

Question. Were they uniform in language?

Answer. No, sir. The first one was a printed circular. "It is ordered by"—I cannot begin to go over it. It went over a rigmarole of "grand cyclops" and "caverns and shadows of death," and a lot of bombast that was rolled up into the form of an order.

Question. What was the substance of the order; that you must leave the country?

Answer. That I must leave the country at once, or that when they came there their mission was blood, and that they intended to avenge the death of the soldiers, &c.; I forget now; there was an expression there I have forgotten.

Question. Any embellishment or devices on this circular?

Answer. None that I recollect on that one. I received then a letter on or about the 4th of July, 1868, that was addressed to me, on which there was a picture resembling the picture on these strychnine bottles in drug-stores, which is two thigh-bones crossing each other immediately under a naked skull, and then written under that, "Behold what you will be in a few days," or "Behold your doom in a few days," and then went on stating to me, "If you remain," &c., "what you may expect."

Question. How was that signed?

Answer. That was signed, "By order of the grand cyclops, in the caverns of death."

Question. This was received, you say, about the 4th of July, 1868?

Answer. Yes, sir; about the 4th of July, 1868.

Question. How long was that after you had entered on the discharge of your duties as judge of probate?

Answer. But a short time. I think I entered upon my duties of probate some time along in the 1st of July. This notice, however, was received immediately the morning after the 4th of July, after we had had a celebration, and some eight or ten thousand colored persons were there, together with those who indorsed the Union, &c. We had had a large celebration, and I had made a little 4th of July speech. There was some other person of prominence made a speech there on that occasion. I do not remember whether it was Mr. Reynolds.

By Mr. BUCKLEY:

Question. You had not entered upon your duties as judge of probate at the time?

Answer. No, sir, I had not. I then—during the fall of 1868, I think it was—canvassed this district for Hays. That was the fall of his first nomination.

By the CHAIRMAN:

Question. The fall of 1868?

Answer. I think so.

By Mr. BUCKLEY:

Question. Did not he make his first canvass in 1869?

Answer. Was it 1869? Well, then I assumed the duties of my office, and there was nothing more of material consequence, except the usual amount of cursing and insult that I would receive going up and down street. These remarks, I think, are: "There goes that damned radical," and, "God damn him, we'll get him some of these days," and all such aspersions as that.

By the CHAIRMAN:

Question. Would this be said by persons you knew?

Answer. Yes, sir.

Question. And these Ku-Klux notices—did they continue to flow in?

Answer. There were no more came until during that fall. The colored people, in the fall of the year, and some of the white people, asked me to make a labor speech to the colored people. I do not remember what month in the fall of the year that was.

Question. You think it was the year 1868?

Answer. I know it was 1868 that I made the first labor speech there. I told the colored people, if they desired it, I would do so. I addressed the colored people there; a large number of planters were there, all very much pleased at the address.

Question. I was going to inquire of you, before we passed away from that topic, if any exception was taken by the white people to the sentiments you advocated or expressed in your 4th of July speech. Did they claim that it was inflammatory?

Answer. No, sir.

Question. Or mischievous?

Answer. No, sir; I do not think that has ever been attributed to me by but one man in Hale County—that I made an inflammatory speech. I think you may select every democrat there, every honorable gentleman—there are democrats there far from honorable—you may select any democrat of respectability that has ever heard any speech of mine, either political or 4th of July, and I do not think you can get one to say I made an inflammatory speech.

Question. You were speaking of the labor speech, and the commendation it received from prominent democrats.

Answer. Yes, sir. Prominent democrats came to me afterward, and said, "You have told the negroes the very thing I would have told them." Many of my personal friends came to me and congratulated me on that, and said if all the damned radicals were like I was there would be some living chance in the country.

Question. If I understand, you did not belong to the class known as carpet-bagger, but belonged to the classification known as scalawag?

Answer. Yes, sir, I was a scalawag.

Question. The objection was that you took an office under this new constitution, and your constituency were negroes.

Answer. Yes, sir, that was it, and the Ku-Klux proclaimed that no man should hold office where he was elected by negroes; that it was not the representation of the people, but that it was the representation of the usurpation of the Government power that had conferred upon a lot of damned monkeys and baboons the right of suffrage, and as a people they would not submit to it, and that was the object of the organization of the Ku-Klux, or one of its objects.

Question. You were connected by marriage, too, with one of the first families in the county, were you not, all of the members of which were of the democratic persuasion?

Answer. Yes, sir, every one.

Question. And you were thoroughly identified with that community in all of your interests?

Answer. Everything I had in the world was right there, and had been accumulated there.

Question. And you had given four years of service, in your medical capacity, to the confederate government?

Answer. Yes, sir.

Question. To sum the whole matter up, was there any ground of opposition to your holding office, except the single one that you were a republican, and held office under the new constitution?

Answer. None whatever.

By Mr. BUCKLEY:

Question. In that connection, doctor, I would like to ask another question. Is it not a fact that, at the time of your election, you were elected by a large majority of the voters of your county, and that there has been a large republican majority in your county ever since your election?

Answer. I will state this in answer to your question, Mr. Buckley: The registration of Hale County was between 4,400 and 4,600. There was polled at the election 3,520 votes. Out of that I received 3,519 votes, I think. I went up the highest. I was the highest candidate by several votes on the ticket—several white men; the white men that voted there.

Question. At the election for President in 1868, was not there a large republican majority in the county?

Answer. In that election I think the majority was a little above 2,200.

Question. Was not the majority about equal to that in the next congressional election in 1869?

Answer. No, sir. Hays did not get quite—if my memory serves me right, he lacked fifty or sixty votes of getting the majority of the presidential election.

Question. What was your majority on the State election last year?

Answer. It was increased sixty or seventy votes on the presidential election.

Question. So that it is a fact you have upward of 2,000 republican majority constantly?

Answer. Yes, sir; the majority there has been regularly above 2,200 votes, and despite of all the intimidation. There are usually from three to five hundred colored people that refuse to vote, because they said they would be turned out of their homes. This was a threat during the presidential, as well as during the last election—that they would be turned away from their homes, and they came to me and made this excuse, that they could not vote securely, and therefore they would prefer not voting at all, and they do not vote.

Question. But it is a fact that you held your office by a majority, a large majority, of the voters of your county?

Answer. Yes, sir; I did.

By the CHAIRMAN:

Question. Dr. Blackford, what is your information as to the numbers of this band that made the visit to your house and to your office in January?

Answer. The lowest estimate was from sixty to seventy. Sixty was the lowest; seventy was the highest. Between sixty and seventy was the usual expression.

Question. Did you understand that they wore the disguises of the regular Ku-Klux Klan?

Answer. Yes, sir.

Question. Now you may tell the committee what knowledge or information you have of the existence, at that time, or at any time previous, in Hale County, of this organization known as the Ku-Klux Klan.

Answer. Well, sir, during the time between their visit to me—between the time of their visit and the time I left for Kentucky with my horses—there was a confederate general, a warm personal friend of mine, took me into his room at the hotel at Greensborough, and remarked to me, in the course of his conversation, "This organization is thorough in these negro counties, as much so as it can be." He went on and named Hale, Greene, Tuscaloosa, Sumter, and all the southwestern counties that were largely populated with negroes; that the organization had—I forget the exact amount—but it seems to me he stated \$500,000 in its treasury; that the capitation tax on each member was 50 cents per week, and that they had their county organizations and their district organizations; that the districts were presided over by a superior officer, and then they had their State organization; that they had expended a large amount of money for police duty, and that the object of the organization was to put down negro suffrage.

By Mr. BLAIR:

Question. What is the name of that general?

Answer. I could not give you his name; it was a private conversation.

Question. You will have to give it.

Answer. For he remarked to me in that conversation in the hotel, "If what I was communicating to you was known I would be murdered before twenty-four hours." I was asked simply for the information I had, and I am giving you the—

Mr. BLAIR. I do not think that is any excuse for not giving the name. I ask that the witness be compelled to answer the question.

By the CHAIRMAN:

Question. You say this was communicated to you in the confidence of private friendship?

Answer. I was taken up into the hotel in Greensborough, and into a room that this gentleman occupied, and he said to me, "Now, I am going to communicate to you certain facts; that if they were repeated I could not live twenty-four hours; but I want to show you now—I want to tell you these things in connection with some other facts that I intimated to you some time ago."

Question. You say he was an intimate personal friend of yours?

Answer. He was, sir.

Question. And you do not feel free to violate his confidence?

Answer. I could not do it, sir.

By Mr. BUCKLEY:

Question. Would you have any objection to giving the name privately to General Blair?

Answer. Yes, sir. When I was making this statement I proposed to make it, first, from my information as to this organization, and then I proposed to continue from that source of information to others. That would be a direct violation of confidence, and one that would involve him, and I would sooner involve myself than him. He so

expressed himself before he commenced the conversation, and I would sooner suffer myself than have him to suffer.

The CHAIRMAN. I do not think, general, that a man under such circumstances as Dr. Blackford should be required to divulge the name. I do not think I would, under any circumstances, divulge what was communicated to me in confidence, under the condition this was communicated to him.

The WITNESS. I will just state this further in connection with that. When he invited me to his room he said, "I understand you have to lay in the woods; if you go to my room I will guard you to-night, and you can get at least one night's sleep." He saw my jaded condition and made that proposition. I went to his room, and he made this statement to me, and told me at the same time, "If I was known to have made this statement to you I could not live until to-morrow night."

Mr. BLAIR. I do not see that people are bound to keep any confidence with those who are reported as murderers. It has been distinctly repudiated by this committee, and men have been summoned before Congress, in Washington, and are now being summoned there, to compel them to answer just such questions, disclosing who these people are.

The CHAIRMAN. I remember the very last case examined by the committee, a witness from North Carolina, who folded his arms and refused to give any information, and he was discharged.

Mr. BLAIR. Mr. Saunders was discharged by this committee, with an order that he should be reported to Congress, for the purpose of arresting him and compelling him to answer.

Mr. BUCKLEY. If I am not mistaken, there are several instances where, during the examination, this has been allowed. Witnesses have not been obliged to divulge names of parties from whom they obtain information. That is my opinion.

Mr. BLAIR. There has been no case of that kind since I have been on the committee. The case of Mr. Saunders from North Carolina was different.

Mr. BUCKLEY. In the case of Mr. Whitfield, he was not compelled to disclose the name of the party from whom he received the information.

The CHAIRMAN. The ground of Mr. Saunders's objection to answering certain questions propounded to him was, if I remember rightly, that he could not answer the questions, and questions which would follow, without criminating himself. And he claimed that he was not bound to furnish any evidence which tended to criminate him.

Mr. BLAIR. This witness has not even that excuse, which is considered a good excuse at the bar. This witness has no excuse at all that is tendered anywhere. In a court Saunders would have been protected from answering. We all know he is not protected before a congressional committee; that it has not been the practice of congressional committees to allow a witness to shelter himself under that excuse which is deemed a good excuse in a criminal court. This witness has not that excuse, but simply throws himself upon some highfalutin notions of his of what is due in honor to the people who communicate these things to him; and when he is asked to divulge what the Congress of the United States thinks it important enough to send one of its committees down here to ask him, he takes up the idea that he has some obligations which are higher than the requirements of the law.

The CHAIRMAN. The testimony thus far has not shown that his informant was concerned in any of these outrages we are commissioned to investigate. I think, general, that the majority will overrule your demand for the present. If the doctor felt free I should insist.

The WITNESS. When you asked me what were the sources of information, &c., and how I derived information in regard to this thing, I proposed to state this as showing how I derived the information, but if I had thought it would involve a man who proposed to be my protector and preserve my life, as he said he would—if I had thought that would be necessary, I should have withheld it and not stated a word about it. I just simply state that to the committee, that I would have sooner withheld it than to have divulged or involved any person who had proposed to become my protector, to put them in a situation like I was placed in.

The CHAIRMAN. The matter is decided now, doctor, I think, and you will resume what you were testifying about at the time of the interruption. You were stating what this ex-confederate officer had said to you as to the object of the organization, that it was to put down negro suffrage, &c., and you had said in that connection that he told you that if what he then was saying to you was communicated, he would be murdered in twenty-four hours.

Answer. Yes, sir, he stated that very thing to me.

Question. Proceed with the conversation between you and him.

Answer. He then continued on in regard to what had occurred in various sections of the country, and in connection with this Ku-Klux matter, but if what I—I do not want to involve him in his life by an assertion of mine in confidence in that way—

Question. So far as this sub-committee is concerned you will not be called on to give

the name of your informant. You may freely proceed and state the balance of the conversation.

Answer. He then stated to me that he had been—or that he had organized the Ku-Klux of Arkansas, and what they had done. He told me about the blowing up of the steamer that was sent to carry arms to the State of Arkansas—something that I had never heard of. That was the first intimation I had ever heard of any steamer of the kind having been burned up—

Question. Did he say it was done under or by the authority of that order?

Answer. Yes, sir, by the authority of that order; that that order had done it, &c. I then asked him to what extent was this organization throughout Alabama. He said in reply, "It is better organized than ever the confederate army was." And he stated in all these negro counties they had resolved to carry the elections, and that in connection with that they intended —, now right there let me make a statement so as to not involve him as a Ku-Klux in this State: mark you, "they," he said, "they," the Ku-Klux, wanted to force and compel every officer that was now holding office to resign or that they would dispose of him, and "you are only taking, you are only going through what the rest of the republican officers will be compelled to go through." I said to him, "Have these organizations no fears of the General Government?" He replied, "Not at all, because they control juries;" they had members already in the United States Congress; they had members in the legislature of the State; they had members that they could at any time prove an *alibi*, or that every jury had more or less of them on it, and that by its membership they could prove an *alibi* at any time in case of any prosecution, and that so long as the Government remained in its present form they were perfectly secure; that they had members of their organization in the Union League; that they had put them in there for the purpose of ascertaining what was done, and detectives, police, and plenty of means to carry out anything that they proposed. He then stated, "Now, to show you how this thing is conducted, I do not think there was any person that waited on you that lived in your county, but when the council meets, and they propose to dispose of you here in this county, they will call upon the Klan in another county to go and attend to that, and perhaps but one or two of the members of the organization in your county will know anything about it, and they will only know it in order to enable them to point out where you stay." Said he, "You are watched night and day. As regards your keeping your whereabouts from this organization, that is simply absurd." I stated to him: "This is an awful condition of things." "Well, sir," said he, "it is the fact nevertheless." Said he, "Now, sir, on that night that the Ku-Klux came for you, there was not, I do not think, but one or two parties in the town that belonged to the organization or knew it, and if anything was required in another county, the Ku-Klux of Hale would be called upon to go and perform that, unless it was some little whipping, or something of that kind, that was of smaller consequence."

Question. Let me see if I understand that last statement of that Ku-Klux band that came for you; not more than one or two of the members of the Klan in Hale County were concerned in it?

Answer. Yes, sir; he stated that this was the mode of operation by which they carried out their plans. And that they had an abundance of arms and ammunition, &c., to execute any of the orders from the central committee. He then spoke of the fidelity with which the one communicated with the other; their fidelity one toward another; and that they had means of communication that no one knew of, and where they found it impracticable to assault a man at night, that four or five of them—note the remark, now—if they had wished to dispose of you in a different manner, four or five of them would have been intoxicated, and would have sought a difficulty; three or four or five would have been standing there, and you would have been shot in the difficulty the very moment it had sprung up; you would have been shot down even in broad day-light, and those around you have acted as witnesses against the man or men that shot you, in the trial, provided they could not have been released from jail, and that that was another means by which they carried out their plans.

Question. To be used as witnesses against the man who did shoot you?

Answer. Yes, sir; that there are four or five or six around you in a difficulty, and there was no telling who did the shooting, and it never could be proven who had done the shooting; that they would precipitate you into a difficulty or dispute by this, and in that difficulty you would be shot, and the balance would testify in regard to it.

Question. Testify that it was a case of self-defense?

Answer. Self defense; yes, sir. Well, there was some other conversation occurred between us; I do not remember what, and I left him about 11 o'clock, and went to the woods, telling him, "I do not wish to jeopardize you here as my friend," and I left him in the room and started for the woods.

Question. Was this during the pendency of negotiations for your property?

Answer. No, sir; this was after the purchase had been concluded, but during the time I was trying to dispose—you see I had a large number of horses and I was trying to dispose of my buggies, and trotting wagons, &c., that I had collected there, and of

the fair ground race-track I was building, and what property I had there, that was of goods and chattels outside of real estate.

Question. Did he tell you in that conversation when this order was organized?

Answer. No, sir; he did not tell me when, (that I recollect of;) but he told me where it was organized first in the United States.

Question. Where was that?

Answer. In Tennessee. He said there was an organization in the southwestern--after naming over the different portions of the country where the organization was--he said in Southwestern Illinois there was a small organization.

Question. Did you understand him it extended into all the counties of Alabama or into only a portion of them where it was necessary to control negro voting?

Answer. It extended to all the counties, but their operations were suspended in certain counties by order of the State authority.

Question. You understood there was a State organization, district organizations, and county organizations?

Answer. Yes, sir.

Question. Did he tell you anything about the obligation binding upon the members or the oath that was taken by them?

Answer. Nothing more than it was such an obligation that they did not dare violate it. He did not give me any intimation of the phraseology of the oath, only it was an obligation they did not dare violate.

Question. Of course he did not communicate any signs or pass-words?

Answer. No, sir. He went on to state to me this, where certain parties had violated the obligation, or that there had been parties who had violated the obligation, and they were taken by the Klan and at once disposed of. They disposed of their own members in case they violated this obligation.

Question. By that you understood that they assassinated them?

Answer. Yes, sir.

Question. This conversation, then, occurred, I understand you, sometime in March this present year?

Answer. Yes, sir.

Question. And he spoke of it as an existing organization in the State of Alabama at the time?

Answer. Yes, sir. He spoke of it as an existing organization, and of the thoroughness of the organization in the southwestern counties, and where it was active, and where it was suspended.

Question. Have you had any means of verifying what was communicated to you by this gentleman at that time?

Answer. Yes, sir; this: Immediately after I left Greensborough, and during the spring term of the court, there was a young man indicted before the grand jury for certain offenses or violations of the order of the town, and was put in jail. The organization came to the jail to release him. There is a new county jail built in Greensborough, and they have been using for two or three or four years what we call the calaboose to put prisoners in. The town gave that to the county until the jail was completed. This man, Peyton McDonald, was put in the calaboose in Greensborough, and the Ku-Klux came to release him, and the mayor interposed, or the marshal informed the mayor of the fact, and the mayor interposed and stated that they must not do it, that he would call the citizens; and meantime the marshal notified his father and several of the citizens came, and these persons desisted from persevering in releasing the man, but went away with some threats, which the marshal, Mr. Lawson, stated to me afterwards. That is one case.

Question. How large a party came to release him, did you understand?

Answer. I think sixteen, or eighteen, or twenty.

Question. Disguised?

Answer. All disguised. But before that, just a few days or weeks, or subsequent--whether it was before or subsequent I am not sure in regard to--a large number of them passed through Greensborough about 9 o'clock at night, when all the stores are lighted up--everybody saw them--towards Marion. On that night they went and attempted to release a prisoner from the Marion jail, held by the sheriff and his father-in-law. The sheriff (then Mr. Wyman) and his father-in-law persistently refused to deliver the prisoner, a negro who was in jail, I believe, for killing a white man, or killing a man, I think it was a white man. At all events he was in jail there for some violation of the law, and they went to release him. They failed to do it. They left orders there for Williams to leave, and other parties, and the citizens, or at least Mr. Williams, left. He was probate judge of that county. That was in pursuance, mark you--I speak of this now to demonstrate the fact, as this gentleman told me--of this determination of these Ku-Klux to get rid of the republican officers of the State. That is the exemplification of that conversation subsequent to that.

By Mr. BLAIR:

Question. In what county was that?

Answer. I do not remember, but I think it occurred in April.

Question. Was it in Perry County?

Answer. Yes, sir. They went from Greensborough through.—Another thing: another indication in the statement that this Klan, now of Hale County, was going to perform what was required in Perry County; another exemplification of what this man's conversation was when he remarked to me that one county performed the duty of another county in that way.

By the CHAIRMAN:

Question. What was this service in Perry County that the Klan in Hale County were to perform?

Answer. They were to take this man out of jail.

Question. Marion was in Perry County?

Answer. Marion is the county-seat of Perry County. And they passed through Greensborough before the people had gone to bed, while the stores were all lighted. There was a show of some kind in town, and the people were all in the hall, up stairs, and many of them went out at the store-door and saw them pass.

Question. What means have you of knowing that that Klan belonged to Hale County?

Answer. The only means of knowing is it was organized there so early in the evening that it could not have come from any distance after night.

Question. As they travel by night generally?

Answer. As they travel by night.

Question. Before going on with the evidence we requested you to furnish, I wish to ask you what time it was that the attempt was made by the Klan to release Peyton McDonald from the calaboose?

Answer. Well, sir, it was some time, I think, about the 1st of May.

Question. This present year?

Answer. Yes, sir. All that I have stated has occurred in April and May, I think. Now, that night that they started there, two or three of them returned to Mrs. Nutting's house. I had built a swing for my little daughter; they got in that at the end of the building. Mr. Tucker became a little alarmed, and fixed up all his arms, &c., and thought, perhaps, they were going to do my little daughter some violence. I don't know what; that was his fear then, that they were going to disturb the family there. Mr. George M. Duskin, whom they had threatened—a member of the legislature of Alabama and an attorney—Mr. Tucker advised, he hurried up to where his wife was. He had armed himself thoroughly; in fact, I believe some of them advised him to get out of town at once, but he said no; he would die there on the street, and he went up to his house thoroughly armed and prepared for the emergency. They passed on through the town and did not disturb him, though from the threats he had heard, he thought they were certainly after him—that is Duskin. The party that went down to Mrs. Nutting's house, the two or three of them there that went in the yard and on the piazza remained some time, until 10 or 11 or 12 o'clock at night.

Question. How long was this after they shot into your house and visited your office?

Answer. That, I think, was the 19th of January, 1871, when they shot into my office and house, and this was on about the 1st of May, 1871, or somewhere about that time.

By Mr. BUCKLEY:

Question. I would like to ask you, in this connection, if the party of disguised men which were seen to ride through Greensborough were seen to ride back again that night after going to Perry as it was supposed?

Answer. I think not; if I heard that, I am not positive about it. My recollection is not distinct in regard to it.

By the CHAIRMAN:

Question. You may go on with the verification I was asking you to give of the statement of the confederate general.

Answer. Well, sir, then—

Question. In this connection you can mention any whippings or other outrages that have been committed upon colored people in Hale or any of the adjoining counties.

Answer. Well, the one that occurs to me right now occurred on the 19th of August. A body of one or two disguised men rode up to a negro prayer-meeting in Mr. Monette's; they ordered the meeting to disband, or to scatter; their order was not obeyed promptly, and they went back and whistled, and two or three more rode up, and they shot indiscriminately into the crowd, and wounded a man by the name of Fletcher, a colored man.

By Mr. BLAIR:

Question. What was this, a meeting?

Answer. A prayer-meeting.

By the CHAIRMAN:

Question. You say the 19th of August; what year?

Answer. The 19th of August 1871.

Question. Where was this prayer-meeting of the negroes?

Answer. In Hale County, about ten or twelve miles from Greensborough. Upon firing, the negroes of course disbanded, and the negroes became very much excited, and some of them armed themselves either that night or the next night following; at all events, they went up near Mr. Monette's house, for they were near there, and he, too. One of the negroes was killed dead—the back of his head shot off—and there was a jury of inquest held by the sheriff. The evidence elicited simply amounted to this: that it was occasioned by the damned negroes, and was a justifiable homicide, or something of the kind, although the jury did not indicate as who had committed the homicide, unless it was some negroes who were behind this man had shot him. They thought, perhaps, from the manner in which he lay, that he was shot, may be, by some parties behind him. There were several men whipped there whose names I do not remember. I have letters in regard to that. The colored people have written me repeatedly in regard to that, and mentioned the names. These letters are in my trunk in Greensborough, or in my room in the drawer in Greensborough; I cannot recall their names. Then, in this year Mr. Philip Green, a colored man, who is inimical because of his personal influence, had his house burned up by a body of disguised men. That was done, I think, along about June—May or June—of this year.

Question. Is that in Hale County?

Answer. Yes, sir; in Hale County.

Question. In the night-time?

Answer. In the night-time; yes, sir. There were also two negroes murdered, or found dead, near Pin Hook. Their murder is unaccounted for in Hale County.

Question. What was the character of their wounds?

Answer. Shot; they were gun-shot wounds.

Question. Were inquests held over their bodies?

Answer. Not that I ever heard of.

By Mr. BLAIR:

Question. Do you know their names?

Answer. I do not, sir.

By the CHAIRMAN:

Question. Did you state what month that happened in?

Answer. I think that was in August.

Question. Last?

Answer. Yes, sir; in August last.

Question. Did you understand what was the offense of these two negroes?

Answer. I understood nothing except the fact that they were murdered. From letters I received asking if this murdering could not be stopped in some way; that the colored people were very much disturbed; that they really felt that they had no security whatever for their lives.

Question. Did you learn what those negroes were whipped for?

Answer. Nothing more than for going to some political meeting.

Question. What is the feeling of the negroes of Hale County at this time, as to the security of life and property?

Answer. They have none, sir. I make this assertion without the fear of contradiction, that the negroes of Hale County feel entirely insecure, and when I mentioned to them on one or two occasions to apply for soldiers, they stated to me that they did not want United States soldiers there, because if they came the citizens would purchase them to do as they had done in former times. When soldiers were sent there to protect them on days of election they knocked the negroes down in broad daylight, off the sidewalk, because they were simply exercising that right; soldiers of the United States there are a terror; the negroes are afraid to trust them; they have no faith in their protection.

Question. Is the private soldier generally unfriendly to the negro—to his color?

Answer. I do not know, sir, that they are; but the white people treat the private soldiers and the officers so kindly—give them so many little eatables and whisky, &c.—

Question. I wish you would go on and describe to the committee the reception which is given in that community to a detachment of troops whenever they are sent there; how are they treated by the citizens?

Answer. I can state, then, what my observation has been. In 1868, on the day of the election, or some time before the election, it was thought proper by the Bureau agent there, Mr. Clause, who was sent by Mr. Pierce from this place, as Bureau officer, after the removal of Mr. Gale, the former Bureau officer—there was such indignation by the people he thought it better to have soldiers; he applied for troops; they were sent—some eighteen or twenty—in charge of a sergeant named Mays, I think; they were there

a few days; the people treated them very kindly, sending them all nice things to eat; the sergeant was invited out to dine and supper, &c., with citizens, and on the day of the election the citizens made several soldiers intoxicated; several of them got whisky; which was against the election laws of the State, and against the orders of their commander—I was then probate judge—and they made them drunk, and got them at the polls to changing votes, and the negroes became alarmed and left the polls entirely. I saw that going on, three or four soldiers there in front of the ballot-box, right close to it—another violation of the laws of the State—no, it was not—this law was passed afterward; I am mistaken in that, but a violation of the order of General Swayne in regard to holding elections, and a violation of an ordinance passed by the constitutional convention, that no person should approach polls, &c.—these soldiers were drunk and got close there, and knocked darkeys every which way. The citizens, a number of them, came around and sustained the soldiers in that, stating at the same time that parties were voting who had no right to vote. I stepped across to the court-house; I said to the soldiers, “You have no business here, and you must leave.” One of them said, “What the devil have you got to do with it?” Said I, “I have simply this much, I am the officer here of this county; I propose to keep the peace and enforce my rights as the presiding officer of the county, and I will deal with you myself if you do not leave.” I drew a pistol and told him, “If you do not leave here now I will shoot you.” The soldiers, two or three of them, by this time ran up and carried this one I was talking to away, and they left the polls. They went down street and knocked down two or three negroes as they went down, into the ditches, and the negroes became alarmed, and a number of them left town without voting.

Question. Have you never had soldiers there except upon that one occasion?

Answer. We have had soldiers there on three different occasions.

Question. Have they been welcomed in a similar manner every time they have been there?

Answer. Every time they have been there they have been treated that way by the citizens. The citizens have asserted to me that it was no trouble; that for a gallon of whisky and \$10 they would assassinate anybody. The soldiers attempted to assassinate me, that very gang. I had to flee to the country, to my brother-in-law. They became very much excited in the matter, and after that could not contain themselves in the matter any longer; they came to the country and two of these soldiers who heard the sheriff had reported them to their superior officers, came into the country thirteen miles with a posse of young men who are warm friends of my brother-in-law and brought me back from the country where I had remained two or three or four days at Mr. John Hutt's, at an out-of-the-way place.

Question. Is it your opinion that it is the settled purpose of the people of your county whenever United States troops are sent there to win them over to their cause and excite them against the negroes?

Answer. It is; and I have heard it asserted repeatedly that they did not care what it cost, they intended to do that.

Question. How was the officer in command taken in charge?

Answer. He was kindly cared for. When we sent up this report about these soldiers a lieutenant was sent down there, and he, on the night they attempted to assassinate me, was at a party and could not be found anywhere in town, at least could not be found for some time, but was finally, however. But one incident I neglected to state. This Mr. Clause was knocked in the head on the street in front of the hotel, and carried up to his room for dead. I examined his wounds and found they were not dangerous; he was knocked down and cut by the soldiers.

Question. What for?

Answer. I was informed that the soldiers had proposed to knock him in the head, at the instance of the citizens, for his activity in conducting the election.

Question. Was this upon election day?

Answer. It was a day or two, or two nights, after the election.

Question. What was the cause of this attempt to assassinate you by the soldiers?

Answer. That was in consequence of the active position I had taken in conducting this election and getting all the votes I could for the constitution of Alabama, and those who were candidates for office.

Question. This was in 1863?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Was that the time you threatened to shoot the soldier?

Answer. It was the time I told the soldiers if they persisted in this matter it was a thing I had perfect control over; he had a pistol and put his hand on his pistol, and I said, “If you draw that pistol I will kill you,” and I drew my pistol.

Question. How long after that did they attempt to assassinate you?

Answer. It was the next week after that that they made the attack on me. I was sequestered in the hotel by the proprietor, Mr. F. C. Taylor, who was a warm personal friend

of mine, and several parties came there and extorted from me, or, at least, would not assist me in any way, and extorted from me a letter that I would desist from having anything further to do with politics in that county, which was published in the Alabama Beacon. The soldiers went through the house in various directions, and two of them had on citizens' clothes, and got so drunk during the latter part of the night that they fell asleep in the office of the hotel, and they were discovered in that way.

Question. You say part of them had citizens' clothes on?

Answer. Yes, sir.

Question. Those who attempted the assassination?

Answer. Yes, sir.

Question. Have you any means of knowing who it was instigated them to this attempt?

Answer. I do not know, sir, who it was.

Question. Did you report these facts to the commanding officer?

Answer. I did, sir; at least the sheriff did. So did Mr. Clause, the Bureau agent; he reported it in full.

Question. What was done with them?

Answer. Nothing that I ever heard of.

Question. How long were these troops continued?

Answer. They were continued there after I had petitioned for their removal some two or three weeks, and one of them who went out to be engaged in running a negro schoolmaster away from there—a white man named Wilson—the man who was engaged in that affair, had his pistol in his pocket, and in getting over a fence or something of the kind, the pistol went off and shot him down in the thigh, I forget which thigh. I went to see the wound afterwards, as I was looked upon as knowing more about gunshot wounds than the physician who attended him.

Question. You were about to say he was waited upon by the citizens?

Answer. He was kindly waited upon by all the citizens, and while laying with his wound as much attention was paid to him as any person I almost ever saw.

Question. How do those same people, who welcome the soldiers with so much flattery, speak of them when the squad of troops is removed from their midst?

Answer. That they are a set of God damned niggers; and that, God damn them, \$2 will purchase them to do anything in the world, and a good big drink of whisky; and that they are the offscourings of creation; and such language as that. I believe that is about the way.

Question. You think the democrats of that county are somewhat given to deceitfulness in the reception of the soldiers?

Answer. Well, sir, I think that that term, "deceitfulness," hardly expresses it, unless you take it in its most extreme acceptation. I think that they have a thorough understanding to practice any and every device that they can possibly originate, to not only get the advantage, but to get control of all their desires. Their deception is an organized deception; it is a determined, thoroughly organized deception, and it is one in which the whole community sympathize. If I knew any stronger word in the English language to express their course in that way, I would use it, because it does not seem to me that that carries the full force of their intentions. Not only to them, but to any Government officer; let a colonel, or a captain, or let a Congressman—you go there; disconnected from this committee, and you will receive as much attention, and you will be leaved from place to place. That is, I think, beyond all dispute, and the citizens do not disguise their reasons for it at all.

Question. Is it, in your opinion, the underlying purpose of all these means and instrumentalities, and machinery employed, to obtain the political control of the State, and the control of the several counties for the democratic party?

Answer. I believe, sir, that that is the full determination of the people. The white people of Hale County, together with the people of this district, with whom I am very well acquainted, and the leading men of the State, have the same animosity to the Government of the United States that they had in 1861, with the addition of a bitterness that is a part of themselves. It is their household conversation to curse and denounce the Government as an usurpation, and as having done them injustice, and using such assertions as this to me, "Why are you united against us and against our interests, and against all that is near to us," &c., "in this country? Why do you unite in doing this? We have no objection to you personally, but your political course is such that we cannot countenance it. We like you as a man, but we cannot countenance this course." And then the republican party becomes the more obnoxious to them because they have the control of the Government. The Government is obnoxious to them and has been for years, say from 1859 or 1857, and so on in the history of secession, and, instead of that abating at all; it is increasing every day; there is no abatement, and they despise everything in the Government and everything that belongs to it.

Question. You mean the General Government, the Government of the United States?

Answer. Yes, sir; the General Government; and with that bitterness they are deter-

mined to control the State legislation so as to effect, or, to use their language, so as to control the negro of this country and make him efficient as a laborer.

Question. That leads me to inquire whether the people in Hale County and the surrounding counties, so far as you are acquainted with their sentiments, have ever become reconciled to negro suffrage?

Answer. Never in any instance that I know of have they become so, at least, so that their action has corresponded. I have heard them say, "We accept it, but we will control it."

Question. If they had the power to do it, are you of opinion that they would repeal the fifteenth amendment?

Answer. Yes, sir; they would not only repeal the fifteenth amendment, but they would repeal every amendment to the Constitution, and they would go out of the Government of the United States before daylight to-morrow morning.

Question. What are the sentiments of the people in relation to the education of the negro, the establishment of negro schools, and their maintenance by taxation?

Answer. Well, sir, it meets with the bitterest opposition on the part of the people; as an evidence of it, a large number of the school-houses in Hale County have been burned down; churches have been burned down.

Question. Colored churches?

Answer. Colored churches. A colored church was burned down by the same party that came to me in January, out about seven or eight miles from Greensborough. They set fire to that church as they went back home. They believe that the freedom of the negro was an injustice to them; that he has no rights as a citizen; that he is not fit for a citizen, and that he should be right where he was formerly—their slave.

Question. How is the negro treated by the land-holders, as a general rule, in their contracts for the cultivation of the land; justly or otherwise?

Answer. Well, sir, in many instances he is treated justly. The reason for that, however, is a matter more of policy, in order to secure his labor from year to year, than it is a matter of their ideas of justice and equity to him.

Question. You think their ideas of their right to control the labor of the negro have never undergone a change?

Answer. I do not think as only so far as they are compelled to; all the change of ideas in that respect is compulsory.

[At 5.45 p. m. the committee took a recess until 7½ o'clock, when the committee re-assembled, and William T. Blackford was recalled and his examination continued.]

By the CHAIRMAN :

Question. It has been testified before the committee that all these disturbances of the peace could have been prevented and promptly repressed but for the general inefficiency of the republican officers, such as sheriff, constables, and judges, and that whole communities are peaceable and law-abiding in spite of the maladministration of the laws. The committee request your opinion as to whether any deficiency in the execution of the laws arises from indisposition on the part of the white community to aid the officers in the performance of their duty?

Answer. In my own county, which only I can speak of, or that I can only speak of by close observation, being an officer, the sheriff and deputy sheriff are both democrats, and the circuit judge is a republican, but I have seen no want in that county of an effort on their part to make proper arrests and bring parties to justice; but when they were brought they were always protected by evidence such as to forbid anything like an execution of the laws upon those who violated them. The violators of the law, particularly where the difficulty occurs between a negro and a white man, in case of a violation of the laws under those circumstances, they almost invariably prove the negro to have been in fault before the courts.

Question. Repeated instances of riot, whipping, and murders have been brought to the knowledge of the committee where the victims were negroes, and no one was punished. The committee desire your opinion whether, as a general thing, the men concerned in those outrages could be found and punished if there were an earnest and determined effort on the part of the whites.

Answer. I am positively convinced that nine-tenths of all the outrages that have been committed in this section of the State could have been found out, and the parties punished, had there been a disposition on the part of the people to do so; or rather a determination on the part of the people to do so, rather than a disposition.

Question. I wish to ask you a question now upon another point involved in your examination hitherto. What, in your opinion, would be the effect of a general amnesty, or rather a total removal of disabilities imposed by the fourteenth amendment, as to causing a pacification of the country, while the right of suffrage still continues in the colored race, and they exercise it and elect republican officers?

Answer. I have been a strong advocate of the removal of disabilities as an experiment to allay this feeling. I urged that upon our congressman, Hayes; yet I believe that the bitterness towards the Government is so great that nothing would appease

their feelings; no removal of disability, or anything of that kind, would have any special influence to stop their bitter denunciations, and what they feel to be the fact—that they are outraged by the Government, by its laws, and so long as the Government persists in maintaining the present political position assigned to the colored man by the reconstruction acts they will be inimical to the Government.

Question. If I understand you, then, the mere right to hold office would not, in your opinion, remove the present discontent against the Government of the United States?

Answer. No, sir; and I will tell you why I say so: I proposed, in this matter connected with myself, that I would resign my office—"I will make here a pledge, forfeiting all the property I have got, if you will secure me in peace to my person and my family, and you can take the office—it is worth nothing to me; I can do better practicing my profession here in this community;" and the reply to that was that, "Your former connections with a party that has outraged us never can be forgiven."

By Mr. BLAIR:

Question. Who said that?

Answer. That was the language of the community generally?

Question. It seems you made a definite proposition. You made that to somebody. Who was that, and who replied in that way?

Answer. I made that proposition, in the first place, to Mr. Hugh W. Watt, of Greensborough. He accepted the proposition, and thought it would be made at first. I then made the proposition to Mr. J. T. Walker, an attorney, and Mr. Walker replied to me, in his own office, that he thought that that might have succeeded at one time, but he did not think that, under any circumstances, this would be successful now; that he had had great reason to change his opinions from what they were at first, when he said to me that he did not believe I was in as much danger as I thought; and then he said, "I have recently had good reasons to change my opinions. I have conversed with others, and it is their opinion." There were one or two other gentlemen, whose names I cannot recollect now, that made these statements. And that "no position that you could take"—I think that is the language of Mr. Walker—that "no position you can take would release you from the stigma of the connection with this party."

By the CHAIRMAN:

Question. What instances do you know of punishment inflicted for deeds committed by bands of men in disguise, where the victims were colored men or white republicans?

Answer. Not a single instance do I know of any punishment having been inflicted on those bands?

Question. You have expressed opinions on the sentiments and purposes of the white people of that portion of Alabama with which you are acquainted. Will you please state to the committee what opportunities you have enjoyed of informing yourself upon this subject, and whether your knowledge is derived from prominent men of the democratic party?

Answer. My former association in Greensborough was as good, I suppose, as any man enjoyed in as humble a sphere as I moved in in the State of Alabama. My friends and acquaintances were among the wealth and intelligence of Alabama. My professional intercourse was as good as that of any man living in the interior of Alabama, in a place the size of Greensborough. That association was difficult to break up, and hence, since I have become a republican, I have had frequent and free intercourse with those men, and particularly so as an officer. And I have heard their expressions, not spoken unkindly, but when we were speaking in a conversational mood, without any excitement or discussion, I have heard their expressions of unkindness and animosity to the Government.

Question. Were you on terms of personal kindness with most of the prominent men of the democratic party in Hale County?

Answer. I was, sir; for the last two years, and for the last year, on pretty good terms with all the prominent men of my town. With the attorneys I was on very good terms, all except one, and with the citizens of the place I was always cordial. I met them cordially, and often conversed with them in the back rooms of drug-stores—entered into their conversation. I suppose I was the more cordially received by them than the mass of republicans in the State.

Question. You have substantially answered the question I am about to put to you now, but I will put it in this form: Is there any discrimination made on account of color or political opinion in the administration of justice?

Answer. There is, I think, a very decided discrimination on the part, particularly, of men who can be used by the white people, or who will submit to what they call "outside pressure." For instance, I will illustrate in this way: I have heard men say that the pressure was too great for them to do thus and so.

Question. Do you know, or have you heard, of any attempts of employers to control

the action or will of their laborers as to voting, by threats of discharge or other oppressive means.

Answer. I have had, I suppose I can safely say, not less than five hundred negroes at various times come and report to me that "we cannot vote or go to the election; if we do, we will be turned out of house and home, and we have got nothing to subsist on except what we have got in the field." Being a probate judge, and the constitution of the State of Alabama having this clause in it: "that the legislature may confer upon the probate judges of the State the adjudication of contracts"—I think that is the language—the legislature may confer that; I have had a great many trials before me of this kind. Then there was a labor law passed in pursuance of that. Negroes were discharged from labor by their employers for apparently very trivial causes; that is, when they came into court that was the appearance; and the negroes in several instances have established, beyond question, that the cause of their removal, and thereby depriving them of the right to the share of the crop, was that they had gone to elections, or because they had gone to political meetings; and that men had absolutely gone on different plantations and told them, "If you do go to such a place I will discharge you." This occurred, too, where there were not political elections. When we voted for the subscription to our railroad there, men who were inimical to the railroad and the subscription discharged their negroes even under these circumstances.

Question. What has been the result of these efforts you speak of, as to causing the negroes to desist from voting, and controlling their will and their action?

Answer. Well, sir, the result of it has been, first, to make the negro very much dissatisfied with what he terms his rights; in the next place, the number of votes in the county has very much decreased, and in some instances, when they got to the polls, they have been so intimidated that they have been compelled to vote for men that they did not want to vote for.

Question. Do you believe that they have been induced to stay away from the polls in large numbers because of these appliances and influences of their employers?

Answer. I think so, sir.

Question. Doctor, you digressed from your personal narrative at the point where you were made to sell out your real estate and dispose of your personal property, and send your fine stock to Kentucky. You may now resume your narrative, and state whether you left the State of Alabama, and where you went, how long you sojourned there, and when you returned.

Answer. I left here about the 15th or 16th of March, I think; and I went from here and carried my stock to Louisville, Kentucky, on the cars from Selma. From there I got on one of the horses, riding one, and my boy Booker, a colored man, who was with me, on another. We led the other, the colts following, and went to Versailles, Kentucky; and there I made a contract with Mr. Joseph C. Bailey, a livery-stable keeper, who has a brother-in-law living about a mile from there, to take charge of my stock by the year; and with Mr. Dunlap, who owns a horse named Richelieu, to breed my mares to him. I remained there in Versailles, making that arrangement, about a week. I then went from there, as soon as I had made the contract with him, which was in writing, to Washington City, for the purpose of getting acquainted with the Congressmen and Senators of different States, some of them, so that when I was able to get my money here, the price of my property here, I might move to some of those States, not believing it worth while for me to come back here, as I could get no means of support.

Question. Had you resigned your office before you left the State?

Answer. Yes, sir; I had resigned my office, and everything was sold, except my library, surgical instruments, &c.; all that I could sell; that is, all that is not yet sold.

Question. And your resignation had been accepted?

Answer. Yes, sir.

Question. And Governor Lindsay had appointed your successor?

Answer. Yes, sir.

Question. Did he appoint a democrat or a republican?

Answer. He appointed a democrat.

Question. Who is your successor?

Answer. Judge James J. Hobson. I am not sure about his middle name; he is a son-in-law of Judge Pearson.

Question. Resume what you were saying.

Answer. After being there a day or two—I was with Major Hays—I asked Major Hays if he thought that there was any chance for me to get some appointment from the Government by which I could support myself until such time as I could get into possession of what money I realized from the notes I had deposited here in Selma, from my property.

Question. Was Major Hays the Representative in Congress of the district in which Hale County is situated?

Answer. Yes, sir, of the fourth congressional district, and Hale County is one of the counties composing it. Major Hays said he did not know of anything, but would

see; and the next day I went and spoke to Mr. Buckley, asking him, I think, about the same question—if he knew of anything I could get. He told me he did not, but that he would be very glad indeed to assist me in any manner that he could. I then mentioned the same thing to General Warner and General Spencer. They all very cordially said, "We will do anything for you we can;" and Major Hays then selected a clerkship in a Department, at a salary, I think, of ten or twelve hundred dollars a year. I told him at first I would take that, if I could not do any better; that I was bound to have a support. In a few days—I do not remember now what the number of days was—I learned that the position of special agent of the Post-Office Department would be vacant about the 1st of May. I asked Major Hays to draw up a petition to secure that appointment, and to assist me in getting it. He said he would cheerfully do so, but "I doubt whether you can get it, for so many have applied for it." I said, "I will try." He drew up the petition, and I went to see Mr. Buckley, and I asked him to sign the petition, and he did so. After a day or two—there was some little matter in the way just at the time—I then went to General Spencer. He signed the petition, and the whole delegation signed the petition for this appointment; and General Warner went to see the Postmaster General for me; so did General Spencer; so did Mr. Buckley; so did Major Hays; all went to the Postmaster General, and urged this appointment. I got the appointment about the 1st of May; that is, my commission dated from the 1st of May; I got it the Friday or Saturday before.

Question. Have you been filling that office, performing its duties, since that time?

Answer. I have, with the exception of about four or five weeks during the summer. This erysipelas continued on from that time until it became so bad I was compelled to desist from work. I then asked for a leave of absence to go to Pittsburgh and New York. I wanted to go and see my old preceptor, a Dr. John Dickson, of Pittsburgh, with whom I studied medicine, to consult him about it. I went there and consulted him, and I then went to New York. I improved, however, under Doctor Dickson's prescriptions so rapidly that I did not consult a physician in New York. I returned from there, I think, on the 6th day of October, and since that time I have been performing the duties of the office as faithfully as I can.

Question. Have you returned to Greensborough, and made that your place of residence since your appointment?

Answer. I have gone there several times on Saturday night, and left again on Monday morning generally. Twice I staid over Monday. I was going there once, and my brother-in-law wrote me there was a good deal of talk about my going there, and that it was better for me not to go home then, as there was a good deal of political excitement, and while he said he did not know that I would be injured, yet, at the same time, it might bring down some visitation of unkindness on the family, and it was better for me not to go, and I did not.

Question. Have you had occasion, in the performance of the duties of your office, to travel pretty extensively over the State of Alabama?

Answer. I have, sir; traveled over Tusculumbia to Florence, and the northeastern part of Alabama, through nearly the whole State. I have been in nearly every place in the State.

Question. The committee will be glad, doctor, if you will state the particular localities in the State which, at this time, are in a disturbed condition; where the laws are not sufficiently enforced, and where, in your judgment, life and property are not secure.

Answer. Well, sir, in Dadesville, Alabama.

Question. In what county?

Answer. I think it is in Coosa County.

By Mr. BUCKLEY:

Question. In Tallapoosa?

Answer. In Tallapoosa County. There had been a complaint made to me that the mail had been robbed there by the postmaster at Loachapoka. This complaint reached me through Mr. Dimock, the postmaster at Montgomery. In a few days Dr. Legrand, of the firm of Legrand & Co., brought around a letter in which it had been asserted that a hundred dollars had been put in, and I think there was forty of it left, or sixty of it left, I am not sure which; but one portion of the money had been extracted. I asked him who sent it; if he knew the man was reliable. He said Mr. James Berry had inclosed the money in the letter. I said that it would be better to see Mr. Berry. I asked him if he believed the statement he made was correct; that may be he did not inclose the money. While we were talking about it Mr. Berry came right to the office, and I took him aside and had a conversation with him. He told me he had certainly inclosed the money, and could prove it. I asked him who he suspected there. He said he could not tell, but he thought, perhaps, it was the postmaster. I then said that I would be up there next Wednesday, and "I want you to mail two or three decoy letters for me, and I will be there on Wednesday evening, and I will follow those letters on down to Loachapoka." I went there Wednesday evening; got there a little after night. I had not got out of the stage and straightened up hardly, until I heard a re-

mark on the street, "Is not that that God-damned Blackford; that God-damned radical son of a bitch?" just on the side of the sidewalk. He said it low, not very loud, but loud enough for me to hear it. In a little while I heard one of these signal whistles; one that I am pretty well acquainted with.

Question. One of the Ku-Klux whistles?

Answer. Yes, sir. I then sent Mr. Berry, and another man, an intimate friend of his, whom he introduced to me, over there to the post-office to see about this matter, and stepped over to his friend's store, and while I was sitting there a young man came up, and called the young man that was sitting on the piazza with me, and says, "Look here, do you know that fellow's name?" "Yes," he says, "I think his name is Black, or something like that." Says he, "I tell you that is that damned Blackford; we will go for him to-night." As soon as I heard that I took my pistol in my hand, and, without saying anything, I took it out, thinking if they made an assault upon me I would try to defend myself. Berry was over near the post-office, hunting his friend. I said to him, "Mr. Berry, I cannot stay here to-night; you have been very imprudent in telling the people I was coming; I cannot stay here; I propose to go some place else." Said he, "My God! they all know me here, and there is no danger, I think." He walked around a little, and said, "You stand in the dark here, between these houses, until I come back, and I will be damned if they shall hurt you while you are here, if I can help it." In the meantime I heard various whistles around one place and another, and heard young men calling Reuben and others, "Don't you see?" and there were four or five or six passed me, and they said, "By God, he is at the hotel, and we will get him; never do you mind, we will catch him to-night." They went on over to the hotel, which, from the post-office, is a hundred yards or more. The night was pretty dark and cloudy, and Berry came back, and coughed. When he came near where he left me I said, "Is that you, Berry?" He said, "Yes." I said, "I want to get away from here; I do not think this a healthy country, for me particularly." I started. He says, "Where are you going?" I said, "I am going to the woods; any place is better than to go into a house and be attacked in a house." He says, "I will take you to my father-in-law, away down here, and I am satisfied that he will protect you; and every one of these fellows knows he will fight, and will shoot"—or something like that—"and he will protect you." After some consultation, along about 12 or 1 o'clock, I went down to his father-in-law's, and staid there. I did not sleep any, but went into a room, and staid there until daylight next morning, and then got a horse, Berry carried out a horse and buggy a little distance from the main part of the town, and I got into it and rode a distance of twenty miles back of Loachapoka, returning to Montgomery, and on the following Monday, determined still to hunt up the thief, I went up there and put in some decoy letters on the road, and captured the thief within a few hours. I put the letters in on Monday, and captured the thief on Tuesday at 12 o'clock, in the presence of several prominent persons, taking the money off of his person.

Question. Did you ever learn whether efforts were made to find you that night?

Answer. Afterwards? No, sir; I never learned anything more that was reliable. I heard some things, but did not look upon them as reliable.

Question. Go on, and answer the general question I have put to you.

Answer. So far as that is concerned, I am satisfied in my own mind that were it not for the simple fact that I hold a commission from the Government of the United States, I could not travel through this country without danger.

Question. I asked you to describe the localities, the counties in which this disturbance principally existed?

Answer. Well, sir, I could only do so from hearsay. My observation is simply this: for instance, in Decatur, Alabama, I was in there when there was a great deal of disturbance, and violence was going on in consequence of trouble. Then I assisted Mr. Southworth in arresting Snelling in Decatur, and several efforts were made to release him; the citizens swore he should not go—some of them. I talked to some of the better class of citizens, and they said they would dissuade them, &c. I had taken the precaution to send to Huntsville and have the United States marshal come down, so that it would release Mr. Southworth and myself, and we finally had to take the warrant from the United States marshal and deputize a young man by the name of Wells, with whom this man Snelling said he would go.

Question. What was Snelling arrested for?

Answer. Snelling was arrested for forging the name of a widow lady, and drawing her warrant from the Government for her son, serving in the United States Army.

Question. Who were these persons attempting to rescue him?

Answer. They were the citizens there; they did not seem to be the better class at all; it was just a drunken crowd around him. The better class of citizens with whom I talked were all very quiet, although they disliked very much to see Snelling arrested.

Question. I refer more particularly to these disturbances occasioned by bands of disguised men. I wish to locate these disturbances, to ascertain what counties in the State were most subject to their domination.

Answer. Well, sir, from my observation; that is, since I have been a mail-agent, I

could not give you anything more than from hearsay; that would be the only evidence I could give you, because my traveling is all done on railroads, and hence they have not come under my own observation.

Question. Of course the committee want your opinion, formed upon such information as you deem reliable; they do not want any other opinion, unless you deem the sources from which you got your information entirely reliable.

Answer. Well, sir; now, in the case of Coleman, you heard him state what was up there at Calera. He reported the matter to me, and I directed him to go on, and be very prudent in regard to his duties as route-agent on the road. In the case of the outrages on this Selma and Meridian road, as well as the Alabama and Chattanooga road, on the Alabama and Chattanooga road, out between here and Eutaw, I can state the Ku-Klux have run off several of the route-agents, at least one or two. On the Selma and Meridian railroad they have absolutely gone so far as to forbid the company from employing negro firemen on the line of the road at all; and the route-agents here have had to leave here and go to other roads; we have had to remove them; to change them. In Talladega it was stated—this information I received from Mr. Bingham's son; it was not said to me privately or confidentially, or any thing of the kind—that he dare not express himself at all, and that he had had a difficulty which had like to have resulted in bloodshed there with the Ku-Klux, and in a few weeks after that his property was burned up there in Talladega. This was done, as he believed, by a body of men who were carrying out this lawlessness.

Question. A band of men in disguise, did you understand?

Answer. Now, I have heard two reports about that. I will give both them to you. I heard, first, that there was a body of disguised men. I then asked Mr. Bingham, the editor of the State Journal, and he told me he did not think they were disguised; he did not want to talk about it; he thought it was from some ill-feeling toward him or his family.

Question. Was his son a mail-agent or route-agent?

Answer. No, sir; his son is postmaster of Talladega. This was all I recollect of now that have occurred since I have been acting in this capacity in this State.

By the CHAIRMAN:

Question. Have you heard of any disturbances occasioned by bands of men in disguise in the counties verging on the Mississippi line?

Answer. I did, sir. I arrested the postmaster in Corinth for robbing a letter, or at least I traced a letter to his post-office, and told him I was satisfied that letter was robbed in his office, and while there I learned of a large number of Ku-Klux having taken out some negroes and beating them very badly, and some of them having been arrested. I saw a number of soldiers—I think that was at Oxford. I saw a number of soldiers going down there, and I think they had one or two men under arrest there.

Question. How long ago was that?

Answer. That was in the month of August. Well, then I heard the rumors here at Meridian about that, but I did not see anything. I know nothing about that. They said these were all Oxford soldiers, who had come up to that section to arrest certain parties.

Question. Did you hear of any troubles in Choctaw County?

Answer. Yes, sir. I have forgotten the time. While I was there investigating a matter that occurred at New Orleans, or at least I went to New Orleans, and when I returned I met Mr. Luther Smith and a Judge Stanwood on the wharf, a revenue agent. I asked Smith where he was going. The steamer Cherokee was about to leave. I asked Judge Luther Smith where he was going. He told me he was going to Choctaw. I said, "Do you not feel apprehensive in going there?" He said, "No; they have burned my property, my houses, I think, &c., on my plantation, and I cannot sacrifice everything. I may as well lose my life as lose everything," or something to that effect; and then he went on to give a history of the injuries they had done him there. It was not Judge Stanwood, but Dr. Foster; I am mistaken. Foster was formerly probate judge, I think, and a member of the State senate from Choctaw County. Foster told me of several occurrences there of beating and whipping and burning out in Choctaw. I tried to dissuade Judge Smith from going up there. I told him I thought it was very reckless; that his life was much better to him than his property.

Question. Is that not Judge Smith's circuit?

Answer. I do not know, sir, whether it is or not.

Question. Was he going up there to hold court?

Answer. No, sir; he was going up there because he has a farm up there.

Question. Have you heard of disturbances by men banded together in disguise in Sumter County?

Answer. Yes, sir; I have heard of a number. I heard of an instance occurring very recently of a negro having been taken out of jail in Sumter County and hung. That is the only positive case.

Question. Have you heard of any disturbances in Pickens County, north of Sumter?

Answer. Nothing positive, sir; nothing reliable.

Question. Any in Fayette, above that?

Answer. Yes, sir; I have had several letters from a gentleman up there, a revenue officer, in regard to mail matters, and in those letters he states to me there is a terrible state of terrorism in consequence of Ku-Klux murdering republicans. He did not confine it to any specific case.

Question. Have you heard of any troubles in Tuscaloosa County?

Answer. Not recently; not in the last five months.

Question. Without pursuing this question any further, doctor, I wish to inquire of you what has been the general tone of the democratic press in the State of Alabama in relation to these outrages. Has the press denounced them, or has it denied their existence, or has it justified or excused them? I wish to ascertain the general tone of the democratic press in this State in relation to these Ku-Klux outrages.

Answer. Well, sir, unless the fact of the outrage having been committed has been promulgated by the republican press of the State, or by some individual of the State, they have been perfectly quiet, for they never publish anything of the kind. Wherever it has been published, they have invariably offered excuses to vindicate the parties who had perpetrated it. For instance, I could allude to the letter published in the *Argus* on myself, and the justification in the editorial. There is one paper, however, that I will say is an exception to that rule; that is the *Alabama Beacon*, published by Colonel John G. Harvey. Wherever he has been authoritatively notified, or any instance has come under his supervision, he has invariably mentioned it, with the strictest condemnation.

Question. Is it the fashion of the democratic papers in this State, so far as you are acquainted with them, to exhort the community to rise in their might and put down these outrages?

Answer. I never read a paper, and never heard of a paper, even intimating such a course, much less to try to urge upon the people to do this.

Question. I will ask you if you have discovered in the editorials of the democratic papers anything which would tend to excite the people to commit outrages against men denominated carpet-baggers or scalawags, and those who were free and outspoken in their political sentiments, and held the republican faith.

Answer. The universal press of Alabama is severe in its denunciation of carpet-baggers and scalawags, never losing any opportunity to publish any and every description of slander that they can possibly collect or get hold of. There are two or three papers in the State that have come out with such publications as this: "If I was that community, I would drive such and such parties out of it; I would not permit them to live in our county. They could not live in our county; they could not live here." And to seemingly publish notices complimentary to disguised parties for driving certain individuals out of their counties.

Question. You think the effect of these teachings is to incite the animosity of the people against the republican party?

Answer. Constantly, sir. They are all bending their efforts in that way.

Question. Is it your opinion that much of the lawlessness which prevails in the State of Alabama is due to the influence which these inflammatory editorials produce?

Answer. I am convinced in my own mind that, were the papers in Alabama to pursue a different course, to try to quiet rather than incite, the influence on the community would be a benefit in the way of entirely, or to a very great extent, destroying the present state of feeling.

By Mr. BUCKLEY:

Question. Judge, did you ever invite an investigation into your official conduct while judge of probate of Hale County?

Answer. I did, sir, and the investigation was had.

Question. By whom?

Answer. By Mr. James E. Webb, Mr. J. J. Garrett, and, I think, Mr. Pitman; and I have their certificate in my trunk at home, or in my valise at Montgomery.

Question. Did they make a written report?

Answer. They did. I have the report.

Question. Who were those men—were they democrats or republicans—who made the investigation?

Answer. All of them were democrats.

Question. Prominent in that community?

Answer. All of them were prominent lawyers.

Question. Was their report complimentary?

Answer. Their report was this: "That, after examining the books and papers of Judge W. T. Blackford carefully, we can find nothing but what has been correct—we can find nothing in his office but what has been correctly kept, and that he has discharged the duties of the office faithfully."

Question. Can you furnish the committee with a copy of the report made by these men?

Answer. I can furnish the committee with the original report.

Mr. BUCKLEY. The committee would be glad to have it to go with your testimony.

The WITNESS. It is as follows:

"GREENSBOROUGH, ALABAMA, February 25, 1871.

"We, A. B. Pitman and James E. Webb, having this day examined, at the request of Judge W. T. Blackford, the bond of administrators, executors, and guardians approved by him as judge of probate for Hale County, and also the fees and other moneys received by him in his official capacity, do hereby certify that we have examined these books and papers, as carefully as our time would permit, and that we can find nothing which would cast any liability upon his sureties to his official bond as such judge.

"A. B. PITMAN.

"JAMES E. WEBB.

"JAMES J. GARRETT."

The WITNESS. I will also state that, under the statute of Alabama, it is the duty of every grand jury to have the books and papers of each probate judge before them at each session of the grand jury. I have heard some little assertions or slangs outside; such, for instance, as this: "Well, he has taken too much fees," or, "He has done something in violation of the law." I do not remember the charges now. I have gone in before this grand jury, which was composed altogether, I believe, of democrats, with the exception of, maybe, one or two negroes on the grand jury; and I have gone before them, on one occasion I recollect distinctly, and said, "Gentlemen, I challenge an investigation of my books"—I carried everything in—"and dare you to do it. I speak in this way so as to have your strictest scrutiny of my official duties, and the manner in which I manage this office." That occurred in this last spring term of the court. I do not suppose a body of more prominent citizens could be assembled in Hale County. I selected the grand jury in accordance with law myself; at least, in connection with the sheriff and circuit clerk, and I urged upon them the selection of those men. They there had several attorneys to look over my fees—the fees I charged—and the attorneys assented to them, so they have told me repeatedly since—that the only thing I could be complained of was that I had not charged the full fee I was entitled to by law; and there has never a grand jury made anything else than a complimentary report of the manner in which my office was conducted.

Question. I wish to refer to page 176 of the testimony given by Governor Lindsay, and ask a few questions upon it. He testifies that "Mr. Blackford came to me at Montgomery, and, in conversation, said that he felt that his personal safety required he should resign." Is that the conversation to which you have made reference?

Answer. Yes, sir.

Question. "I replied to him that I would not accept his resignation for that reason; that I did not think he was in danger; and that I would not be a party to encourage the resignation of any officer on account of such apprehensions, or on account of threats." I desire to ask if you have heard of any other republican officers being threatened or having Ku-Klux letters sent to them in this part of the State?

Answer. Mr. George M. Duskin, then county solicitor, has received such letters.

By the CHAIRMAN:

Question. The county solicitor of what county?

Answer. Of Hale County. He has received these letters, one or two of them. C. W. Hatch, the postmaster there, has also received them.

Question. Did you ever hear that Arthur A. Smith, the circuit clerk of Greene, received such letters?

Answer. He showed me two letters he received.

Question. Did he afterwards resign?

Answer. Yes, sir.

Question. Ku-Klux letters?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did you ever hear that Judge Luther R. Smith received such letters, and was called upon to resign?

Answer. I saw in a newspaper publication that the citizens of Livingston—I think it was Livingston—had met and passed a set of resolutions asking him to resign, stating that he should not hold court there.

Question. Did you ever hear that the citizens of Choctaw had held a meeting and passed similar resolutions?

Answer. I have heard that spoken of. I heard that spoken of in Montgomery. I was in Montgomery. I never heard anything except the conversation.

Question. Did you ever hear whether the county officers—whether the probate judge and sheriff of Choctaw County had received threatening letters, and afterward had resigned, from fear of their personal safety?

Answer. Yes, sir; I heard that the probate judge of Choctaw County was compelled to resign in consequence of the danger that surrounded him.

Question. Have you ever heard that the officers of Perry County had received similar letters and threats?

Answer. I had; and was told by Judge Williams that it was simply out of the question for him to stay there with any hope of safety. I think that was his language. There is another Ku-Klux letter, I will state, since you mention that. While Mr. J. Q. Smith was holding circuit court, in the fall of 1870 I think it was, he received a letter—I forget precisely the purport of it, but at all events he was very much alarmed about it, and sent for Mr. Duskin, the solicitor, and myself, and consulted us as to what he had better do, and, finally, said he would adjourn the court. We told him not to do so. I said I did not think they certainly were so violent as that. Mr. Duskin went out and told some prominent attorneys there that he was apprehensive that Judge Smith would adjourn the court, and they at once protested against anything of the kind; and Judge Smith in the morning read the Ku-Klux notice to the bar of Greensborough, in Hale County, and told them that if that was the feeling—I think that was what he said—if that was the feeling, he would adjourn the court instantler, or something like that. The bar protested against it, and said they would certainly give him any protection he wished; and there were a great number of speeches made by the gentlemen of the bar.

Question. I invite your attention to another portion of this testimony. Governor Lindsay says: "I accepted his resignation with the belief that he had entered into an agreement with his successor, a man of very good standing, a democrat, but of moderate views. About the time I accepted his resignation, another party came up and pressed upon me to give the appointment to him." Had you any agreement or understanding, except the understanding and agreement to which you have referred already, in regard to the sale of your real estate?

Answer. None in the world; and so far from it, there were some of the citizens (the negroes) of the county became very much interested in this matter, and told the people that they would follow me, or something of the kind, no matter where I went—that their only hope of protection was gone when I left the office; and the citizens, to make the impression upon them that this was a voluntary act of mine, appointed a committee, and a meeting was appointed, of white gentlemen and colored people, to meet at Colonel Harvey's office. I met them there, and told the citizens that I did not want to resign, that I did not want to leave the country, and that this matter—the matter of my leaving—was compulsory entirely.

Question. Doctor, in the testimony you have given the committee, you have spoken of the people of Hale County with considerable freedom. I desire to ask if you have any feelings of animosity toward the citizens of that county; if you complain only of their treatment to you as a republican, or if you have any personal grievances to complain of?

Answer. I can assure you, sir, that if peace could be restored to Hale County, if I could feel that my life was safe there, I would not think of ever leaving it. To the people there I have the fondest attachment, and nothing but a stern sense of duty, with the hope that what I have stated here may be the means of bringing about peace, would ever have induced me to make the statement. I have not an unkind feeling to a man, woman, or child in Hale County.

Question. Your differences, then, are political?

Answer. Altogether, altogether.

Question. And in taking the course you have, you have followed your honest convictions in forming your party affiliations?

Answer. Well, sir, originally I obeyed the request of the citizens. In 1867, before there was a republican party organized in the South, I was asked by the best citizens there to preside over a meeting, that they would propose to co-operate with it; they thought they had better, and it was my opinion, after we conversed about the reconstruction acts, &c., that it was better that the people of the South should take these offices, take charge of the politics of the country, and that we will all fall in and support the reconstruction measures of Congress. That meeting was called, and, according to their request, I presided. Mr. Jeffries and B. L. Whelan acted as secretaries. Squire Wright came upon the stand, where I was sitting. Mr. Boardman, who had manifested a good deal of interest in the acceptance of these measures, stated to Mr. Jeffries and Mr. Whelan, here is the place to make connection. During that meeting the Rev. Mr. Ramsey made some remarks that were very severe in regard to the reconstruction measures, and the white people became a little alarmed about the acceptance of the reconstruction measures, right on the ground. There was going to be a State convention, a political convention. The negroes then selected several parties to represent them in that at Montgomery, and when they went on the ground proposed to select

a white man; but these parties declined. Mr. Jeffries and Mr. Whelan all declined, but myself. I felt a little provoked at their course toward me, and I got up, and made a few remarks to the meeting. Subsequently, however, the matter was all reconciled, and in July—if you will take the Alabama Beacon of July, you will find these very men reassuming their former position, and passing a set of resolutions, one of which was, "We hereby accept the reconstruction measures of Congress," and in that we were all in harmony, as I supposed, and we went on cordially until after the convention at Montgomery, when they concluded that this was a white man's party, and a white man's Government, and then they all split off, and from that day to this I have been the subject of all the anathemas and maledictions that ever, I reckon, were heaped on the shoulders of any poor devil.

By Mr. BLAIR :

Question. Mr. Blackford, you have stated in your testimony that the people of the South show a disposition to conciliate the officers and soldiers of the United States when they make their appearance in any community, but you have assigned to them a motive very derogatory to them. I wish to ask you whether the action of the people of Alabama in that respect is not open to another construction than the one which you have given?

Answer. None that I know of, sir.

Question. Is it not possible that they recognize the Army officers as gentlemen, and treat them as such?

Answer. I do not think that they do.

Question. Is it not fairly possible that they accept them as brave antagonists, who have in the late war shown courage and gallantry, and as such are entitled to the good feeling and admiration of their opponents?

Answer. That is the case where those officers are democrats, and express an equal amount of hatred to the party now in power, or to the republican party. Wherever those officers express that, I think their cordiality is then sincere.

Question. You believe that they are capable of any amount of deception in this matter?

Answer. Yes, sir, to accomplish their own ends, I do.

Question. You fail to see any motive of magnanimity, or a just conception of their condition, in their treatment of the soldiers of the North?

Answer. Repeat that.

Question. You fail to see any just appreciation of the position of the soldiers of the North toward them, in the people of the South?

Answer. Yes, sir; I do not think they do appreciate them at all.

Question. In the attack which was made upon you in the county-seat of Hale County, the town of Greensborough, was there no other motive, within your knowledge, except their political hostility to you?

Answer. None that I know of. I heard it afterward asserted, but I never credited it for a moment, that there was a party, who had held the office before I did, claimed that it was his by matter of right, and some parties, in order to offer an excuse for the matter, stated that it was his act, and not the act of the community. That is, if I have comprehended your question properly. I allude to the late Judge Hutchinson, now dead. I have heard of that as an excuse.

Question. You have heard it attributed to him?

Answer. I have heard that it was him that brought about and instigated this.

Question. Have you ever heard that it was because you had a negro woman in bed with you?

Answer. No, sir; I never heard any such thing.

Question. Was not that a fact?

Answer. Sir!

Question. Was not that a fact?

Answer. Which?

Question. That you were in bed with a negro woman on the night when these people visited you?

Answer. No, sir; I was not.

Question. And you did not leave her in the bed when you absconded from that bed?

Answer. I did not leave her in the bed when I absconded; there was no negro woman there in bed with me. There were, in the alarm, negro women on the lot, and when I ran out those negro women became alarmed; one of them ran into the room attempting to hide herself at the time the Ku-Klux were surrounding the house. They thought—the negro women and men, and everybody—that I was still in the room, and ran in there to try to get me, and they closed up around the house, and caught her there, and she doubled up in the bedclothes to prevent being seen. This is what I learned from the negroes on the lot afterward.

Question. Did you not hear it alleged that it was because you were openly cohabiting with a negro woman, that this attack was made upon you?

Answer. No, sir, I never did, nor no other person in that community; and there is not a white man, who is a gentleman, in that community, who will venture that assertion.

Question. It has been asserted to me and I shall have the evidence of it.

Answer. Well, sir.

Question. Now, sir, was it not asserted openly, and was it not a fact, that in the sale of your property there you also sold that office?

Answer. If so, it was falsely asserted, and as a reference to that falsehood I refer you to Mr. William D. Lee, Mr. Madison Jones, and, I think, John Henry Webb—three gentlemen who came to my office and asked me this question: "Do you consider that you have sold your office; do you leave here voluntarily now, or, if not, we are parties now to the subscription for the purchase of your property; and if you do not say to us"—they tried to extort the assertion from me—"if you do not say this is voluntarily done we will have nothing more to do with it. We do not propose to lend ourselves to any such a thing." I replied, "Gentlemen, I would not leave this place for any consideration, if you will promise me protection." The office or the property solely, any gentleman there will tell you, was worth far more than what I got for it. There it stands as a matter of observation. It is the square in front of the court-house. The rent of the property was bringing me in, as you will see by that sale, somewhere between seven and eight hundred dollars a year. And another valuable lot with stabling and everything of the kind on it was all included for \$5,500. That certainly could not be included in a sale of—in fact there never was an intimation to me—but about four or five months previous to that, immediately after the election of Lindsay that I alluded to in my testimony—to purchase my office. I had too much interest there. I owned, I think, six fine horses there; one of the horses I was compelled to sacrifice at \$300, that I was offered \$550, in Montgomery, for a half interest in, but I sold that horse for about \$200 to William Tinker; I called him Brick Pomeroy. I would not have touched \$1,000 for him. Put me right back, and put that horse in my possession now, as good as he was, and now, with my facilities for carrying him off, I would not take \$1,000 for him. A black mare, also, a thorough-bred mare, I would not have taken \$500 for her; and I sacrificed her for little or nothing. I had built a race-track there at an expense—a mile track—at an expense of about \$2,700 in money—

Question. That is not responsive to my question.

Answer. I am just stating why I would not have sacrificed these things.

Question. My question was as to the sale of the office.

Answer. There never was such a thing intimated, and upon your further investigation from citizens there you will find that to be the case.

Question. The governor evidently understood the transaction in that light?

Answer. I do not think the governor did.

Question. I expect the governor understood what he thought better than you do. He says so in his evidence.

By Mr. BUCKLEY:

Question. The governor, it seems, did not appoint the man who was recommended, did he?

Answer. No, sir, he did not.

By Mr. BLAIR:

Question. I will read, in this connection, page 176, and ask you that question:

"By Mr. VAN TRUMP:

"*Question.* The same man he had recommended?

"*Answer.* No, sir; his own appointment, recommended by the leading citizens of Hale County, of both parties. Upon inquiry I discovered that the appointment of either of them would not restore harmony to the people, and I therefore refused to appoint either of them, and selected and appointed another man. I tendered the office to him; he did not know I was going to appoint him."

THE WITNESS. The circumstances of that were these: when some citizen, I think it was J. T. Walker, esq., asked me if I had any choice about who should succeed me, I told him, "Not a particle." "Well," said he, "would not you as soon Mr. D. D. Garrett, esq. had it as anybody else?" I said, "Certainly, but it is immaterial to me, Mr. Walker, who gets this office, perfectly so." Said he, "The citizens do not want Hutchison; he is too violent entirely," and went on and said something else about Mr. Hutchison, and that the people were very much opposed to him, and that he thought Garrett would make a good officer, &c. I told him I had no objections to Mr. Garrett, or Mr. anybody. Mr. Garrett sent forward his petition, and Mr. Walker went to Montgomery and represented him. In a few days afterward Judge A. A. Coleman went there to represent the interest of Judge Hutchison, the gentleman I succeeded. A discussion arose there, of the particulars of which I do not know a thing, except as I would hear it from Mr. Walker's letters back to some citizens there. And Mr. Duskin, the republican representative in the legislature, urged upon the governor the appointment

of Mr. Briggs, the then deputy sheriff. There was some feeling in opposition to him—so much so that Mr. Duskin in a day or two abandoned Mr. Briggs, and then stated to Mr. Walker, "Suppose you put my friend Hobson in and take him as a compromise." Mr. Walker remarked, "If I fail with Garrett, I believe that is the best policy." This discussion went on before the governor there, for, I reckon, two weeks, may be more, may be a little less, but I think it was fully that time. I think it was more. It became very bitter, and there was a good deal of excitement about it in Greensborough, and then Mr. Hobson finally was appointed. The governor accepted the compromise man Duskin remarked when he came home, "That is all I could do; of course he was not going to appoint any of our friends, and Hobson being from North Carolina, and I like him, and I just thought to make the best out of a bad bargain;" or to something like that. I think that was his reply to me; that was all I had to do with Mr. Hobson's appointment. I never said a word about it to any person at all. I say here now, while Mr. Hobson is a warm, strong, devoted democrat, yet he is a gentleman, I think, and a very good man, and I heartily agreed with Mr. Duskin when he stated that he thought that was better than either of the others mentioned.

Question. The governor says, "I heard no more of him"—speaking of you—"for two or three weeks, when he came to Montgomery in company with a gentleman from that county, tendered his resignation, and at the same time presented a letter recommending a party to succeed him."

Answer. That is a mistake.

Question. Did you present the letter?

Answer. No, sir. That is a mistake. I did not present the letter, and no gentleman went with me to Montgomery.

Question. "I accepted his resignation with the belief that he had entered into an agreement with his successor, a man of very good standing, a democrat, but of moderate views." This after refusing to accept your resignation when you placed it on the ground that you were not safe in the county?

Answer. Well, the former part of that statement, as you have it in my testimony. He did say he could not encourage such a thing, and could not accept my resignation. I then said to him, "What security do you propose now that I shall receive; what protection or security is there for me; how do you propose to give me protection? And he went on to state to me just what I stated in my testimony, which was about this, that I had alluded to the press, the Selma Times, what it had stated about this outrage, also that he had written to the people there in regard to the matter, and that these things must be stopped, &c. That is just what I stated, and that is what he stated to me.

Answer. And that he encouraged the organization of volunteer companies of militia to give you protection?

Answer. Yes, sir.

Question. He says he heard no more of you—after the sentence that he refused to accept your resignation on account of any such apprehension—he heard no more of you for two or three weeks, when you came to Montgomery in company with a gentleman from that county, tendered your resignation, and at the same time presented a letter recommending a party to succeed you?

Answer. I never presented to him a letter of my own. I carried a letter there of Mr. J. T. Walker, who requested the appointment of a gentleman to succeed me, but there was never a gentleman accompanied me to Montgomery.

Question. All that I want is a distinct yes or no to the question. I have asked you whether you had any understanding with anybody to receive money for resigning that office, in case he got the appointment in your place?

Answer. Never; emphatically, no.

Question. I will ask you another question. Is it not a very common practice among the men in Alabama, who obtain office under similar circumstances with yourself, to sell those offices?

Answer. I could not answer that question in a monosyllable.

Question. Answer it any way you please.

Answer. Very well. I have heard of two such instances. Others who have resigned have assured me positively that the only condition in their resignation—I allude now particularly to Judge Williams—that the only condition in their resignation was that they would simply take their property that they owned off of their lands at a reasonable price.

Question. What are the two instances in which you heard of a party selling office?

Answer. Mr. John S. Keffer, of Montgomery, I heard he sold his office outright; and that Mr. Barber, sheriff of Montgomery, sold his office outright.

Question. Were they carpet-baggers?

Answer. They were northern men. Those were the two instances.

Question. Benjamin H. Williams, carpet-bagger, sold the probate judgeship of Perry County to Augustus Y. Hughes for \$5,000?

Answer. Well, sir, he sold him a house and lot for \$5,000 in the town of Marion. I

have been in the house, and I think all that is necessary would be merely to go and see it, and inquire the price of property there, and see if that is all he got for it; all that is necessary is to see that to convince any one that that is a mistake.

Question. Did Daniel H. Slawson, circuit clerk of the same county, sell his commission to Seawell Jones?

Answer. I never heard of any such transaction.

Question. Did the sheriff of the same county, also a State senator, Wyman by name, sell out to H. H. Mosely for twelve or fifteen hundred dollars?

Answer. I heard that asserted, but never knew whether he did or not. I heard it asserted in conversation, but never spoke to Mr. Wyman or saw him during the time he was sheriff but once, and that was before he resigned, or just about the time he got the appointment, in fact. At the time of his resignation and leaving Perry County I did not see him. I never heard, except in a conversation that occurred, I think, in Montgomery, that he had done so; but I know nothing of the facts connected with that. Of Mr. Williams I did, for I conversed with him freely on that matter, and told him how wrong I thought it was for any person to make capital of the rights or the suffrages of the people. The process by which these offices were sold was simply to send in their resignations after recommendations were prepared for their successors.

Question. Is that the process?

Answer. I understood, or I heard, that the gentleman who purchased Mr. Keffer's office had the resignation of Mr. Keffer in his pocket when he went to the governor to get the appointment of that place; and that if the governor gave him the appointment, that then he was to receive so much money—the amount I never heard until lately. I heard it asserted since the present canvass commenced there, by some opponents of his—there is a split or bolt in the party—that he got a thousand dollars for it. I heard that asserted, and that that was the way that that was managed.

By Mr. BUCKLEY:

Question. Did you hear that the purchasers of these offices were democrats wherever they were reputed to be purchased?

Answer. Yes, sir; altogether democrats.

By Mr. BLAIR:

Question. You served in the confederate army?

Answer. Yes, sir.

Question. Have your disabilities ever been removed?

Answer. I never had any disabilities to remove. I never took an oath of office in the confederate army at all. I assure you I never did anything voluntarily. What I mean by that is—I wish to be understood thoroughly—that my sympathy for the sick and wounded of the confederate army, or for any person suffering, always prompted every act of kindness to the soldiers. I gave the confederates myself, my whole office, and everything of the kind, when they would come along there wounded, and whenever they were not taken into the house even by other parties.

Question. Did not your oath of office, when you first assumed your office as probate judge, require you to swear that you had never taken up arms against the Government of the United States?

Answer. Never voluntarily taken up arms, yes, sir.

Question. Or given aid or comfort to its enemies?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Was the test oath required of State officers?

Answer. Yes, sir.

Question. Are you not mistaken in that regard, doctor?

By Mr. BLAIR:

Question. It was required?

Answer. Yes, sir. I took it.

By Mr. BUCKLEY:

Question. After 1868?

Answer. Yes, sir. I will tell you why I took it. You will recollect the opinion of Mr. Hoar, the Attorney General of Andrew Johnson, who gave his legal opinion in regard to that oath applying to physicians; and I never had done voluntarily anything for the confederacy, in aiding or abetting the enemies of the United States. All that I ever did was compulsory.

Question. In connection with disabilities, I will ask, by a bill which passed Congress, were not all persons in the State of Alabama who had been elected to office at the same time that the constitution was adopted in 1868, before election, relieved of their political disabilities?

Answer. I so understood it.

Question. Be they republicans or democrats?

Answer. I so understood. I learned that from Judge Whelan.

Mr. BLAIR. That is not the question I asked. If Mr. Buckley had paid attention to my question, he would have found that was not involved in my question at all. The State of Alabama required all the officers elected at that time to take the test-oath.

Mr. BUCKLEY. I beg pardon, general, not State officers.

Mr. BLAIR. Yes, sir; State officers. It was repealed at a subsequent session of the legislature.

The WITNESS. That was never my understanding. That was not part of the constitution of Alabama.

Mr. BUCKLEY. The disfranchise clause was part of it. That disfranchised a certain class of people from voting at the time the constitution was adopted. By a two-thirds vote of the legislature, that might be removed.

Mr. BLAIR. The witness has stated that he took the oath. I expect he knows whether he took it or not.

The WITNESS. My impression is that I took the test-oath. I took what is known as the iron-clad oath, which I feel that I could have taken every day in the week, and I feel that I could do it as conscientiously as I know that I have to account for what I am saying here.

Mr. BLAIR. That answers my question.

The WITNESS. I do not think, however, that the test-oath was administered to me as an officer; but I have taken the test-oath for some cause or something or other, I am satisfied. I am not positive as regards my office, but I am positive that I have taken the iron-clad oath.

Question. You held the office of probate judge for about two years and a half?

Answer. About two years and a half, sir.

Question. You were never interfered with in that office until the time you have mentioned here?

Answer. The 19th of January.

Question. That made about two years and a half you held the office?

Answer. Yes, sir.

Question. Now, if you will allow me to ask you, what do you mean by being interfered with?

Answer. Being attempted to be injured in any way except at this time?

Question. Yes.

Answer. Well, no sir. I do not believe that I had, except I have had parties to come into my court, the county court, and attempt, by noises, &c., to overawe my decision, when a white man was being tried for beating a negro, and when there was some violence there in the town—some fighting, or something of that kind. I have had parties to come in, and by menaces and whispering, &c., I have been interrupted in that way two or three times. On one or two occasions, while attempting to make speeches, I have had men walk up with their knives drawn on me.

Question. Give us the names of those parties who drew their knives on you when making speeches.

Answer. On one occasion the democrats were holding a meeting over at the court-house, just across the street, and I was sitting in my office. They called the negroes up there. A great many went. There was a man named Mr. Rosser, who stated to the negroes that he was a conservative man—an old-line whig, &c. The negroes listened to him a little while, and turned around. I suppose one hundred or two or three hundred—may be one hundred and fifty—and they came over to the office and commenced hallooing for me to come out. I went out on my piazza and told them I did not wish to make them a speech; that I did not think it was proper; and about that time, Dr. Moore, a very prominent man there, was drinking a little, and he came up towards me with his knife. Several of the white people caught him, and some of the white people stood back, and said, "Let him alone." I desisted from the speech, and several other men came. This created a good deal of consternation, and several others rushed me back into the office. On such occasions as that, I was frequently interrupted politically. There was no person there, in the discharge of the duties of my office, interrupted me, that I now recollect of.

Question. Is it not a fact that you made frequent attempts to disorganize the labor of the county by making statements to the negroes that they were not paid as much as they ought to have, interfering with the bargains the negroes had made with their employers?

Answer. The reverse of that is the fact. I have made all my speeches publicly, where white people came and listened. I urged the negro, in the presence of white men, to make the best contract he could, and, when he did make that contract, to abide by it in good faith, and to give that man good service; that can be attested by the very best men in that community, the planters of that country; and I never heard of but one man that made a complaint in that way, and that was not in regard to that, but the fact of my right to advise the negroes in any respect whatever. I will name the

gentlemen who were in the habit of hearing these speeches, so as to give you the benefit of their evidence; they are responsible gentlemen, too; you can take for that class of men such men as William D. Lee, E. O. Jones—

Question. Allen Jones?

Answer. I do not know whether Allen Jones ever heard a labor-speech or not. John H. Y. Webb, Mr. Castlemain, Dr. Wadsworth, I think Dr. Peterson, the brother-in-law of Dr. Wadsworth. I could not recollect, but a large number of citizens usually came up to hear what I had to say, and if they ever objected to it I know they would have told me so.

Question. In speaking of this attack of which you complain, made on you by disguised men, you say that four months prior to that "a prominent confederate general asked me to resign, said I had better resign, and in the second conversation I agreed to it if they would pay for my property. A kind of negotiation ensued." Mr. Thomas Day, partner of Judge Coleman, appeared for you in this?

Answer. No, sir; he appeared for the other parties.

Question. Mr. Day?

Answer. Yes, sir.

Question. Who was this prominent confederate general who asked you to resign?

Answer. It was General Rucker.

Question. On what occasion was it that you drew your pistol upon a United States soldier, and told him you would shoot him if he would not desist?

Answer. It was on the day of the election.

Question. What election?

Answer. For the constitution; the day we voted on the constitution. I think that was the day.

Question. What office did you hold then?

Answer. No, sir; it was not the day of the constitutional election, it was the day on which the election, I think, of officers took place, and I know that I was—or at least my impression is that I was probate judge at the time; that is my impression, that I was probate judge at the time.

Question. The officers were elected on the same day the constitution was voted for; you were voted for as probate judge on the same day the constitution was voted on. So you could not have been a probate judge until you were elected and commissioned?

Answer. No, sir; my impression is that it was after I was probate judge that that occurred. I think I told him by virtue of the office that I held, if he did not desist from this—I know that was my assertion to the soldier.

Question. Was that a proper act for an officer, a conservator of the peace?

Answer. I do not know that it was, but the acts of violence going on, I thought, demanded it, and the sheriff of the county had left and left these soldiers there to do just what they pleased, and they were drunk; and when I asked them several times to desist from this thing, and this fellow clapped his hand on his pistol, and I had a large Derringer in my pocket, and I told him he should do it.

Question. You drew your pistol on him?

Answer. Yes, sir; I drew my pistol.

Question. Was it not your duty to have arrested him?

Answer. Perhaps it might have been, sir; I did not think so; in the midst of that excitement I did not think so, sir.

Question. If a peace officer sets such examples they cannot complain that they are followed by others.

Answer. Yes, sir; that may be all true, but the peace officers had all forsaken me and I was there, either to let the election go by default—which was the object, I thought, to break it up and let it go by default—or else to pursue that course, and I resolved on that to get him away from there.

Question. Would not the course have been just as effectual if you had arrested him in the name of the law?

Answer. I think the parties around him would have resisted the arrest.

Question. Would not they have equally resisted your firing upon him.

Answer. I think not; I think, perhaps, I would have fired on him if he had drawn his pistol on me; if he had drawn his pistol on me I know I would. When they saw it was going to create a difficulty the rest of the soldiers carried him away.

Question. I simply wanted to understand how peace officers executed their duty?

Answer. That was my belief at the time it occurred. I went four or five times to him to try and dissuade them from that course, and when I would go off they would come back and keep it up until the negroes began to be very much alarmed, and I then went over and determined to try to force him away from there.

DEMOPOLIS, ALABAMA, October 25, 1871.

JAMES A. YOUNG sworn and examined.

The CHAIRMAN. This witness is called by the minority, and the examination will be conducted by General Blair.

By Mr. BLAIR:

Question. Will you state your residence?

Answer. I reside in the town of Linden, the county-seat of this county.

Question. How long have you resided there?

Answer. I have resided at that place between thirty-seven and thirty-eight years.

Question. What is your employment or profession?

Answer. I am a lawyer by profession.

Question. Judge, will you state whether you have recently been employed to look over the expenditures of this county?

Answer. Yes, sir. I was appointed by the county commissioners' court, which has charge of the county revenues, as a special commissioner, associated with another gentleman, to investigate the condition of the county treasury from 1865, since the termination of the war up to the date of our appointment, which was about the month of May, I think.

Question. Will you give the committee the result of your investigation, stating the rate of taxation in 1865 and now, the amount of revenue collected and expended in 1865 and at this time?

Answer. I do not remember now the percentage. It is based on the assessment of the State tax, and the same rate of taxation; I do not remember now what that was during this year. I know there was no tax collected in 1865. I do not remember what the rate was, until the last year, which was about 75 cents on the \$100 for the State, and the same amount for the county. The amount of taxes assessed, I think, for two years preceding the last year, was somewhere about from \$25,000 to \$30,000, of State tax, and the same amount of county tax.

Question. What was the amount collected in the last year?

Answer. The last year it was not so much as that. I do not remember now the precise amount. It is something like, I think, \$18,000 or \$20,000. The whole assessment probably was more, but the amount collected was, I think, about that.

Question. The whole amount assessed was not collected?

Answer. No, sir; a great many insolvencies.

Question. What was the amount ordinarily collected and expended prior to the war, in this county?

Answer. I think about \$12,000 was the amount required for the ordinary expenses of the county—from ten to twelve.

Question. Was the taxable property, upon which the assessment was made, larger than now?

Answer. Very much larger; very much.

Question. About how much, if you can tell?

Answer. Well, sir, the real estate valuation in this county was, I think, about five or six millions; the personal property I do not remember now. There were some 22,000 slaves in this county, and their average value was estimated at about \$500 per head, prior to the war. I did make the estimate frequently, but my recollection is not very good now, and I cannot state the facts with any certainty, without having refreshed my recollection in regard to these things.

Question. Is real estate considered now as valuable as before the war?

Answer. No, sir; it has depreciated very much.

Question. How much—one-third?

Answer. Lands have more than that.

Question. One-half?

Answer. I should say that they have depreciated at least 60 per cent., or two-thirds, you may say. Lands that sold before the war for fifty or sixty dollars could not now be sold for more than twelve or fifteen at the outside.

Question. How is it with the live stock of the county?

Answer. Well, sir, the live stock is more valuable here now than it was then, but the quantity, the number, is very much less.

Question. How much?

Answer. I think that is reduced at least half or two-thirds.

Question. There is not as much here by what?

Answer. Not by two-thirds, according to my estimate and judgment.

Question. What, in your opinion, is the reason of the decrease in the number of live stock?

Answer. It is owing to the depredations of the colored population mainly.

Question. And is it difficult to raise live stock on that account here?

Answer. Yes, sir, almost impossible in many portions of this county. Planters and

those engaged in planting generally are abandoning the attempt to raise hogs, particularly, and even cattle. They find it impossible to keep them.

Question. They have abandoned all attempts to raise their own meat?

Answer. Yes, sir. I don't say that it is so in every part of the county, because there is a portion of this county where the population is almost entirely white, and there they can raise stock, but that is not more than one-third of the county.

Question. In that portion of the county in which the colored population predominates it is found almost impossible to keep stock?

Answer. Yes, sir.

Question. Is that the case generally in that portion of the State where the colored population predominates?

Answer. I think it is.

Question. Then, as I understand you, the taxation is about three times what it was for county purposes prior to the war, and the subjects of taxation have diminished.

Answer. Yes, sir.

Question. Probably two-thirds?

Answer. Two-thirds, I should say.

Question. Judge, I see from some recent publications in the newspapers that there has been recently quite a disturbance down at your place, Linden, in which a man by the name of Jones, the present senator of this district, figured pretty largely. Will you state to the committee all that you know in regard to that disturbance?

Answer. I will do so. Mr. Jones, it seems, had made an appointment to address—he is a candidate for the office of sheriff in this county—and he had given out an appointment to address the public on last Saturday week; I don't remember the day of the month. He came there, and a number of persons, almost exclusively of the colored population, attended there, on that day, to the number, according to my estimate, of two hundred and fifty to three hundred. I was there. I saw but few white persons, comparatively; I suppose there might have been thirty or over—not more than thirty who do not reside in the place; I do not think there were that many; perhaps fifteen or twenty. About 12 o'clock on that day he walked over to the court-house with a number of his colored friends. Mr. Drake was along with him, who was formerly clerk of our circuit court; they carried a flag. He got up in the gallery, in front, and commenced his address to those that were present. It was about 12 o'clock when he commenced, according to my recollection. When he commenced his address I stopped about ten minutes and heard the opening. Being of different political opinions, I did not hear anything or see or find anything to complain of, or that gave me dissatisfaction, but it being near my dinner time I went off home, some three hundred yards. I looked at my watch as I was going home; it was quarter after 12. When I got my dinner, just as I got up from the table, which was about 1 o'clock, some one called to me and said there was a great disturbance over in the town. I picked up my hat and ran over. When I got there I found a high degree of excitement. I did not see Mr. Jones, though. I made some inquiry what had become of him, and a gentleman informed me that they had carried him into a room in the court-house, and he was there; that he requested me to go and stay with him. I went there. I had not seen the difficulty. I was not present when that took place. When I went into the room he seemed to be in a good deal of alarm. I saw myself there was a good deal of exasperation and excitement among those persons that I saw. He begged that we would protect him. We give him what assurance we could that we would protect him. I was not armed myself; I never carried arms in my life. He had arms there to protect himself. After remaining there some time he wanted to get away from the place; he thought his life was in danger, and I thought so too at that particular time. He made some suggestions about how he was to get away.

Question. Who did?

Answer. He did. I made one, and proposed that he have a horse brought around to the back of the house and get on it and get away, and I would have the attention of those persons who seemed to be excited drawn to the other side of the street. After speaking of different modes of getting him out, he suggested that if he would sign an instrument in writing withdrawing from the canvass, and not attend these appointments that he had made, and other appointments in the county, whether that would be satisfactory to the public—to those persons who were so much exasperated. I thought at the time that it would not, and told him so. Afterward he made his proposition again, and I told him—I then had another gentleman, Dr. Riddle had come in to stay with him, and to keep out any persons that might wish to force themselves into the room where he was—I told him I would go out and ascertain whether or not that would allay the excitement and ill feeling. I went out and saw Colonel Woolf, who was then making great exertions to stop the excitement. He thought that if he would sign such a paper as that, and it was made known to the excited crowd there, that it would allay the excitement. At my request, he wrote it and carried it to Mr. Jones, and he signed it; and after he signed it he said he desired to be protected, and we gave him the assurance that he should be; and he came out with us then into the street, the

public street, and went himself to all those persons who were present and stated that he had withdrawn from the canvass; that he would not attend any other public meetings or make speeches; and he called on his colored friends to go home and attend to their business, and vote for the other candidate. These are the facts. As to those who were with him, as he seemed to be very apprehensive that there might be some person that might take his life, nearly every white person present went with him, and they gave him assurance that no harm should come to him, and they guarded him. Some of the men that were most excited in the outset were persons who went with him three or four miles on the way. Those are the facts that came within my knowledge. Now, the origin of the difficulty I cannot speak of, because I was not there; it took place after I left. I see he states in this paper that he was interrupted at the outset. I do not remember of hearing anything of the sort while I remained, but other gentlemen who were present can state how it arose. Those are the facts as far as I am able to state them, and of my own personal knowledge. I will state further: He seems to intimate here that the flag he had with him was treated with disrespect. There was nothing of the sort came within my knowledge. It was taken down. When he came out it was left where it had been planted on the balustrade. It was there, and when they were about to start the driver who carried him there, a colored man, said that he wanted it, and spoke to Colonel Woolf, saying that he wanted it, and he told him to go and get it. He said he was afraid some one might interrupt him. Colonel Woolf told him that no one would interrupt him at all; the flag was his; he could go and get it, and he would go with him; and he did go with him, and they took it off. When he was about to take it down the colored man told him to cut the strings by which it was fastened on the staff, and they took it off. I think probably the negro might have felt some apprehension, but it was taken off and given to him, and he brought it home. There was no disrespect shown it while I was there, and I am satisfied there was none. I mention that because his statement seems to imply that there was. I have not read the whole of it. If there was any disrespect I certainly did not see it or hear of it. I don't think there was any such disposition on the part of any one.

Question. What was your information, if you have any upon which you place reliance, as to the cause of the excitement against Jones?

Answer. Well, sir; the impression from those persons who were there and who had become excited was that he desired that there should be a disturbance for the purpose of making political capital; that was their idea. I heard that expressed before, but, from the information I got, when this difficulty occurred he had spoken probably three quarters of an hour, perhaps longer, at least some considerable time, and he had made a charge that a number of democrats had applied to him to be put on the radical ticket for the county offices here. A gentleman who was a democratic candidate present called to him to give the names of those persons. That I think was the first interruption. Afterward he made some other charge; I do not remember what it was. Some men called on him in relation to that, and there were some drunken persons about the streets there that were hallooing, which is not an unusual thing at these public meetings; though not immediately in the crowd they were off on the other side of the street.

By the CHAIRMAN:

Question. What do you say they did?

Answer. They were hallooing occasionally and swearing—whether they addressed him or not I do not know; perhaps some of them may have done something of that sort in response—and he stopped speaking and said he would not go on, and a number of them called on him to go on; that he should be heard. He declined going on. He stood some several minutes, had some conference, perhaps, with some colored persons that were up on the gallery with him, and put his leg over the bannister and whistled. The disturbance that was below was this, I supposed: there was some talking below about that time; there were only one or two white men anywhere near there, according to the information I got. He picked up his umbrella. He had a pistol that he carried up with him—a large pistol; he took the pistol either out of the umbrella, or it was with the umbrella, and took off his watch and breast-pin, and took out his pocket-book and gave it to a deputy sheriff that was there, and picked up his umbrella and said, "Take that umbrella, too." He picked up his pistol in his right hand and said he was ready for a fight, and came down. When he came down there was but one white man, I am told, anywhere near him. That was a man who was intoxicated, and they had had some difficulty or some bad feeling on a previous occasion. From the information I have, a number of negroes—fifteen or twenty—suddenly appeared there with double-barreled guns. The consequence was that the white men immediately ran and got what weapons they had, and they came out and there threatened to be a serious difficulty.

Question. Will you speak louder?

Answer. I will repeat: when Mr. Jones came down, suddenly appeared a number of negroes with double-barreled guns, and the white men that were there—all except one

or two men that were near Mr. Jones at the time ; most of the white persons were on the opposite side of the street—when they saw that they ran off and got pistols, and, perhaps, two or three of them got guns, and came back. The difficulty then threatened to be a serious one. Mr. McNeil, one of the candidates for office in this county, ran up between them and called on them not to shoot, and Mr. Jones told him that he would give up his arms, and that he must protect him. He took his pistols—he had two revolvers and a large pistol—I do not know what kind. I saw them in the room when I went in with him. One was a navy repeater, and the other, a smaller size, a pocket-repeater, and a large pocket-repeater ; I did not notice what kind it was, but a large one. They were in the room and were returned to him. When they carried him into the room they give him back his weapons, and set about allaying the excitement and ill-feeling that had been generated.

Question. Was any one injured in this ?

Answer. No, sir ; I did not hear of any person being struck at all. I did not hear on that day of any personal injury done to any person. There was a pistol went off accidentally and shot a horse. That was all the bloodshed there was on that day that I saw. Not a drop of human blood was shed.

Question. No blows inflicted ?

Answer. No blows that I heard of, sir.

Question. From your information it appears that Jones, while there were very few white men on the ground, took his pistol in his hand and divested himself of his valuables and went down and said he was ready for a fight ?

Answer. That is the information I had.

Question. And that about that time negroes appeared upon the ground with their weapons in their hands ?

Answer. Yes, sir.

Question. This gave rise to the arming by the white people and the excitement which ensued ?

Answer. Yes, sir ; so I am informed.

Question. Who gave you this information ?

Answer. I got it from a number of persons. I got it from Mr. McNeil, the gentleman who interposed at the time, and, perhaps, was the cause of the difficulty being prevented.

Question. What is his first name ?

Answer. Malcolm. This gentleman you saw here yesterday. Mr. Frederick McNeil was there also, and I got much about the same facts, I think, from him. I cannot state certainly the different persons who gave them to me, but they all correspond. The white persons with whom I conversed all correspond in substance in their statements.

Question. Jones states in a card, which I have seen published, that in going to this meeting he was fired upon. Did you hear anything of that ?

Answer. I heard that morning that he had said he was fired on, but I did not credit it myself, and I do not think any white person about the place did. A gentleman, Mr. McKinney—J. C. McKinney—who plants about a mile or two on a road that turns off on this road from here to Linden—turns off in a swamp and runs angling from it about a mile or a mile and a half up that road—came into it behind Mr. Jones, about a hundred and fifty yards, he informed me, and he said he heard no gun. He passed through this same swamp.

Question. What was his name ?

Answer. McKinney.

By Mr. BLAIR :

Question. Came to town behind Jones ?

Answer. Behind Jones.

Question. He was in sight when he got into the road that Jones was on ?

Answer. Yes, sir ; he traveled, following him, or behind, and said he did not hear any gun.

Question. He was in sight of Jones ?

Answer. He was in that part of the swamp.

Question. He heard no shot that drew his attention ?

Answer. Shooting in that swamp can be heard any day, almost any hour of the day, for the freedmen along the edge of that swamp are great hunters. I can say that myself, for I am sometimes in the swamp myself, out hunting. I have never been there yet that I have not heard guns frequently. I make this statement, not upon my own knowledge, but upon the information of this gentleman.

Question. It would have been hardly possible for such an occurrence to have taken place as he describes—Mr. McKinney following him at a distance of one hundred and fifty yards—without observing it ?

Answer. He might certainly have heard it ; I should, and I think he would be as apt to notice it as I would.

By the CHAIRMAN:

Question. Is the taxable property of the county appraised every year, both the real and personal estate, under your laws?

Answer. Yes, sir; it is given in according to the valuation.

Question. Appraised for purposes of taxation?

Answer. Yes, sir; by an assessor.

Question. Do you recollect what the aggregate of the appraisement of personal and real estate in this county was at the last appraisement?

Answer. No, I cannot remember precisely.

Question. Or the appraisement before that, if you cannot remember the last one?

Answer. I can only remember distinctly the appraisements of the property prior to 1861.

Question. What was then the total appraisements before 1861?

Answer. The average value of real estate was about eight or ten dollars an acre in this county.

Question. In 1861?

Answer. Yes, sir.

Question. The value of the real estate here, according to the estimates made, was about \$6,000,000; was that considered a fair valuation of the real estate?

Answer. Yes, sir.

Question. An average of \$10 per acre through the county?

Answer. Yes, sir.

Question. What was the valuation of the slave property, in round numbers?

Answer. The valuation of slave property was much larger than that; it was, I think, about \$12,000,000, if I recollect right.

Question. About double the value of the real estate?

Answer. Yes, sir.

Question. What was the valuation of the personal property, exclusive of slaves?

Answer. There was a large proportion of the personal property that was not at that time taxed. I do not remember distinctly as to what the value of that was that was taxed.

Question. The slaves and the real estate amounted to \$18,000,000; would the personal property increase that to \$20,000,000?

Answer. Yes, sir; that was about the valuation of the property, according to my recollection.

Question. What is the area of your county; how many thousand acres, or how many square miles?

Answer. There were about 1,050 at that time; since that there have been two townships—three, I believe—that have been cut off and added to the county of Hale, above this, which would be about one hundred and ten square miles taken off.

Question. How much would that portion taken off and added to Hale have amounted to in 1860; I mean what proportion of the \$20,000,000 of valuation of property of all descriptions would belong to that portion since annexed to Hale County?

Answer. Well, sir, that was the most valuable, or as valuable as any other portion of the county, and the average value of the lands there, I suppose, would have been at least \$25 an acre.

Question. According to the valuation of 1860, would the three townships, added to Hale County, have amounted, according to the appraisement, to probably three or four millions?

Answer. Something like, I should think, two millions, or two and a half; perhaps not more than two millions.

Question. Your county taxes since the war have never at any time, I understand you, amounted to more than 75 cents on the hundred dollars?

Answer. Seventy-five cents. The tax at this time is about \$1 25—the county tax—but before this it was 75 cents on the hundred dollars.

Question. What was it before the war?

Answer. It was 20 cents on real estate, and I believe about the same on personal property.

Question. The aggregate of taxes collected for county purposes last year, I understand you, was from eighteen to twenty thousand dollars?

Answer. I think it was something like that.

Question. Before that it amounted to something like twenty-five or thirty thousand?

Answer. The assessment one year amounted to \$33,000, I think.

Question. Will you please state the different purposes for which these county taxes are levied? Give to the committee the different items of expenditures under your laws.

Answer. The county revenue, a portion of it, is applied as a pauper fund; the amount of that I cannot now state. Then there is a portion of it has been heretofore applied to other purposes. In this county the whole fund derived from taxation is consolidated. It was not separated into distinct funds for paupers or bridges, &c. The appropria-

tions for building bridges absorb perhaps nearly half, if not quite, of the county tax. These are the two principal; the others are miscellaneous.

Question. You may name what other expenditures are made from county taxes.

Answer. From the county taxes we pay our jurors and our State witnesses, where they are not paid out of the defendants.

Question. Do you pay also the expenses of criminals?

Answer. Yes, sir; the expenses of feeding prisoners in jail.

Question. Court expenses?

Answer. Yes, sir, court expenses.

Question. And stationery for offices, and fuel and light for offices?

Answer. Yes, sir.

Question. Expenses for holding elections?

Answer. Yes, sir.

Question. Venires for summoning grand and petit juries?

Answer. Well, that is embraced in a special item. They are required to allow the public officers a salary for all these public duties.

Question. Are they paid out of the tax?

Answer. Yes, sir; out of the county tax.

Question. Are the salaries of your assessors and collectors paid out of the county taxes?

Answer. They are paid out of the county taxes.

Question. Are all your county officers paid out of the fund raised by county taxes?

Answer. They are. They are paid for certain services, but their principal salary is derived from fees; but they receive also from the county sums for services that they render, considered strictly public services, and not for the benefit of individuals.

Question. Will you please enumerate the different classes of officers who are paid from the county fund?

Answer. The sheriff receives a salary of about \$200 or \$250—\$240, I think is the amount, unless it has been changed by the last legislature—as a salary for his public services, strictly for the public. The balance of his pay is derived from fees. The judge of probate receives the same amount.

Question. From the county treasury?

Answer. Yes, sir; from the county treasury. The clerk does not receive so much. His salary, I think, is about \$150 per year.

Question. In all these cases these officers receive these salaries for general or public services that cannot be properly assessed against individuals?

Answer. Yes, sir. There have been some changes of fees, and I am not positive that I am correct as to the amount now allowed under the later acts of the legislature, for I have not had occasion to look at them, but those were the salaries that for a great many years were allowed to the public officers.

Question. You have named three classes of officers; you may go on with your enumeration.

Answer. The tax-collector gets his percentage out of the county taxes. The assessor gets the same out of the county taxes—the same rate or percentage.

Question. What usually is the aggregate of the fees of each of these officers, assessors and collectors, in Marengo County?

Answer. I would have to make a calculation, probably, to do that. The tax-collector and assessor receive each, I think, ten per cent. on the first thousand dollars, five per cent., perhaps, on the next two thousand, and two and a half then on the next three thousand, and two per cent. on the balance for State tax. They are only entitled to one-half of that amount for assessing the county tax and for collecting it.

Question. One-half of the amount the State allows?

Answer. Yes, sir; one-half of what the State allows for collecting the State tax; that is my recollection.

Question. Now, applying this scale to the amount of revenues collected in this county, assuming these county revenues to be \$25,000 per year, what would the compensation of the collector of taxes, in your opinion, amount to?

Answer. It would amount to about—you mean for collecting the State and county taxes both?

Question. I mean just for county taxes?

Answer. I should think it would amount to about six or eight hundred dollars; \$600, perhaps.

Question. The assessor would receive about the same amount?

Answer. Yes, sir; about the same amount.

Question. What other officers besides the assessor, collector, sheriff, and judge, that you have enumerated, are paid from this fund?

Answer. I do not remember now at this moment; the county commissioners, the members of that court are entitled to per diem.

Question. There are four of these commissioners?

Answer. Yes, sir.

Question. What per diem?

Answer. Six dollars per day.

Question. And mileage?

Answer. Yes, sir.

Question. How much?

Answer. Five cents per mile going and coming.

Question. How often do they hold court?

Answer. Their regular terms are required by law to be held four times a year.

Question. Are the periods of session limited by law?

Answer. No, sir; they sit as long as they have business before them. Their regular terms are not limited; some special terms are.

Question. They may hold special terms besides the regular terms appointed by law?

Answer. Yes, sir.

Question. They may call their meetings or sessions at any time they please?

Answer. Yes, sir; by giving the proper notice.

Question. Now, are you able to state about how much the fees of all your county commissioners amount to in the aggregate per year?

Answer. I don't think I have ever made any estimate of them. It would be very uncertain, for some years they hold more special terms than others; they sit longer, owing to the business. I could not give you any satisfactory estimate.

Question. Have you now exhausted the list of officers who are paid from the county treasury?

Answer. I do not remember any other at this time except justices of the peace, who act as coroners. We have had no coroner in this county for several years, and justices of the peace hold inquests.

Question. Are the expenses of each coroner's inquest paid from the county treasury?

Answer. Yes, sir; they do not amount to a great deal. The printer who does the public printing draws pretty heavily upon the county.

Question. The county printing is also paid from the county treasury?

Answer. Yes, sir; the public printing is paid out of the county treasury.

Question. All of the blanks, &c., that are published?

Answer. Yes, sir, and stationery for all the offices.

Question. Your county officers are required to make an annual exhibit of the amount of taxes collected and the way disbursed?

Answer. That is their duty.

Question. That is published in one or more of the newspapers of the county?

Answer. It is required to be so by law.

Question. Has that duty been performed?

Answer. Not as strictly as it should have been.

Question. Do you mean that the officers charged with that duty have neglected it any year?

Answer. Yes, sir; they have neglected it—the only officer who is required to make publication; the judge of probate is required to publish the licenses he issues. That is another source of revenue that has not been mentioned. The county treasurer, who receives the county tax on licenses, is required to make publication of all the licenses granted, and the amount received for them, I think, every three months.

Question. What officer is charged with the duty of publishing, for the information of the public, annually, an account of all the moneys collected and disbursed in the county?

Answer. It is the duty of the judge of probate to publish the account submitted to the commissioners. It is the duty of the judge of probate to have the county treasurer's account, after it has been passed and allowed by the commissioners' court, published in the newspaper appointed by law to do the public printing for the county.

Question. Where roads are either opened or repaired, is it done at the expense of the property-holders adjoining the roads, or at the public expense?

Answer. It is not done by taxation. Each individual in this county between certain ages is required to work on roads.

Question. But is there no road-tax laid?

Answer. No, sir.

Question. No road-tax—money-tax—laid and collected?

Answer. None at all.

Question. You have nothing but the labor-tax for the opening and repairing of highways?

Answer. Nothing at all.

Question. How are your bridges built and repaired; from what fund is the expense drawn?

Answer. In this county a great many bridges are required; many of them are small bridges, that are required to be kept up—to be built and repaired—kept up by the overseers of the road with his road-hands; the other bridges that could not, with the

number of hands apportioned to the roads, be built by them and kept up, are kept up at the public expense; paid out of the county treasury.

Question. I understand that last year one-half of the county taxes was expended in the construction or repairs of bridges?

Answer. I did not mean to say that. I say that to keep them up would require one-half; but I do not know that one-half of the county-taxes of last year was appropriated to that purpose.

Question. After the close of the war, were not your bridges in the county generally in a very bad, dilapidated condition?

Answer. Yes, sir; they were generally so.

Question. During the war not much attention was paid to the repair of bridges, was there?

Answer. Not a great deal, sir.

Question. Has not the outlay per year on that account been much larger than it was before the war?

Answer. It was much heavier for the first two or three years after the war. The commissioners were authorized, I think, by an act of the legislature passed in 1865-'66, to issue county notes to be taken up in taxes, for the purpose of relieving the county from taxation at that particular time, at least from too heavy taxation; and a large portion of the bridges were built at that time; but still there have been many of them that have been thrown on a later period; so I have no doubt that the expense has been much heavier in building of bridges, in consequence of the condition they were left in at the termination of the war, during all the years of that time.

Question. Has the number of your paupers been greater since the war than before?

Answer. Yes, sir, I think the number has increased; to what extent I do not remember now.

Question. Is the public money expended for the support of pauper colored people as well as white people?

Answer. Yes, sir.

Question. No distinction is made?

Answer. None, that I ever heard of.

Question. About how much do you think has been expended per year, since the war ended, for the support of the poor in Marengo County?

Answer. I am not prepared to give you an estimate; it was not embraced in the duties I was called on to perform. I did not make the examination, and couldn't answer.

Question. You spoke of jurors being paid from the county treasury; you mean both grand and petit juries?

Answer. Yes, sir.

Question. And for all courts where juries are called?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Are they all paid out of the fund of fines and forfeitures?

Answer. That was the case, but an act of the legislature was passed, perhaps, at the last term, consolidating the funds. Before that act was passed, consolidating the fines and forfeitures' fund with the general county fund, jurors' certificates had been paid out of the general county fund, and not out of that special fund.

By the CHAIRMAN:

Question. How many courts have you in Marengo County in which juries are called?

Answer. Only the circuit court now.

Question. Has the probate court no power to summon juries?

Answer. Only in special cases; in contested wills, perhaps.

Question. Whenever they are called they are paid from the county treasury?

Answer. Yes, sir.

Question. Your circuit court sits twice a year?

Answer. Yes, sir; and sits two weeks each time.

Question. Your jurors are paid how much a day?

Answer. The regular jurors, I think, \$2 a day.

Question. And mileage beside?

Answer. Yes, sir.

Question. How many are summoned on the grand jury?

Answer. I think twenty-four grand jurors are drawn.

Question. How many are necessary to constitute a grand jury?

Answer. Fifteen.

Question. Your petit juries, of course, embrace twelve?

Answer. Yes, sir.

Question. Are State witnesses, or witnesses called on behalf of the State, uniformly paid from the county funds?

Answer. They were paid out of the fines and forfeitures funds where the State failed

to convict. The law required the clerk to indorse on the witnesses' certificates that fact, and they could then be registered and paid out of the fines and forfeitures fund.

Question. Suppose a conviction were had, and the defendant was insolvent and not able to pay the fine and costs of the prosecution, were they paid out of the county fund?

Answer. They were then paid out of the fines and forfeitures fund.

Question. Was that, while it existed as a separate fund, adequate to the payment of State witnesses?

Answer. No, sir.

Question. The costs then had to be drawn from the county treasury?

Answer. Until the consolidation of that fund by the act of the last legislature there was no provision at all. If there were not funds, we had to wait indefinitely until there were fines and forfeitures enough; there was no prospect of pay at all until they consolidated with the general fund.

Question. These arrearages are now presented and paid out of the county treasury?

Answer. Yes, sir; the State witnesses' certificates, where there was a conviction, were chargeable to this fund after the return of no property against the party convicted, and that fund is now consolidated, and they are entitled to it. There is a legal question as to whether or not they are entitled to pay at all under the act of the legislature.

Question. Has the expense of arresting and supporting criminals in jail—boarding them—been greater since the war than it was before?

Answer. Yes, sir; much greater.

Question. I will ask you whether the schedule of fees has not been increased since the war; whether witnesses and jurors are not paid a higher per diem since the war than before?

Answer. I do not think that jurors or witnesses' pay has been increased much. I do not remember now what the difference is, if any.

Question. How is it with the fees of other officers?

Answer. They have been increased very largely.

Question. What officers do you refer to whose fees have been increased very largely?

Answer. Judge of probate, clerks, and sheriffs.

Question. Is not the expense of living much greater since the war than before?

Answer. Yes, sir.

Question. Necessitating an increase of salaries?

Answer. Yes, sir.

By Mr. BLAIR:

Question. These fees of clerks, probate judge, and sheriffs are not drawn from the county treasury, but paid by litigants?

Answer. Yes, sir.

By the CHAIRMAN:

Question. But a certain salary is paid these officers?

Answer. Yes, sir.

Question. Is that greater since the war than before?

Answer. I do not think that has been materially increased.

Question. Have the fees of assessors and collectors been increased since the war?

Answer. No, sir; I think they are the same.

Question. Where work is required to be done on bridges and roads, is not the expense much greater since the war than before?

Answer. Yes, sir; it has increased 50 to 100 per cent. the expense of building bridges.

Question. Under these altered circumstances, then, judge, do you think the sum of eighteen or twenty thousand dollars per year is a very large sum to defray all of these items of expense that you have enumerated?

Answer. I could not say; it would be impossible for me to answer that question unless I had made some estimate of these matters. I do not think, though, that would be an extravagant sum for defraying all the expenses, when these bridges are all built; but once built and kept in repair the expense would not be so great.

Question. And, I understand you, the county expenses are diminishing?

Answer. Yes, sir. I do not know about their decreasing. The county tax has decreased; that is, the assessments do not amount now, by many thousands of dollars, to what they were two or three years ago.

Question. Your assessments are proportioned to your expenses, are they not?

Answer. I do not know the expenditures have decreased at all.

Question. Is your county in debt?

Answer. Yes, sir.

Question. How much?

Answer. Some ten or twelve thousand dollars, according to the report of the treasurer.

By Mr. BLAIR :

Question. The assessed taxes were not collected, I understood you to say, by reason of the insolvency of many people ?

Answer. Yes, sir.

By the CHAIRMAN :

Question. If the delinquencies could be collected, would your county be out of debt ?

Answer. I hardly think it would ; I don't know ; probably it would, too, if all the delinquents for the last three or four years paid up. I think then the county would be out of debt.

Question. Is there, in your opinion, judge, any well-founded complaint of the manner in which your county taxes have been expended ?

Answer. Well, yes ; I think there is well-founded complaint, in one respect, that a very heavy amount for the county has been applied for the payment of the circuit clerk and probate judge for the making up of records that it was the duty of those who held the offices before to have made, and for which they were paid.

Question. But neglected to make them up ?

Answer. Yes, sir.

Question. They had to make them up, had they not ?

Answer. Well, it was a matter for the individuals who were likely to lose, for these are cases not where the public was interested, but parties, and it was their business to see to it, and resort to the bonds of those who held the offices before, if they neglected their duty. The public could neither have been prejudiced nor benefited by these records.

Question. What records ?

Answer. The records of suits in the circuit court.

Question. Complete records ?

Answer. Records of the administration of estates.

Question. The law requires these records to be made, and the previous officers neglected to do their duty ?

Answer. Yes, sir ; and they had been paid for it.

Question. And the complaint is that their successors performed that duty which their predecessors had neglected, and been paid for from the county treasury ?

Answer. Yes, sir ; which had already been paid for, when they had a remedy against these officers.

Question. How much do you think has been improperly paid by the county treasurer on that account ?

Answer. I think, according to an estimate I made while examining the revenues of the county, about \$8,000. The circuit clerk, I think, received appropriations for the amount of about \$5,000, and the judge of probate between two and three thousand.

Question. Covering what period of time ?

Answer. I do not know during what period, or how far back they went to make up the records ; I suppose, though, not beyond 1865, the summer of 1865, but I cannot speak certainly as to that ; I never examined those records themselves.

Question. When had this neglect to make up those records occurred ?

Answer. I am not able to answer that.

Question. Was it during the war ?

Answer. I think not ; I think mostly since the war.

Question. Do you know that to be the case ?

Answer. I suppose that to be the case, but I do not know it. I never examined those records myself ; never saw the books myself. I do not know the fact myself. I know appropriations were made for the purpose.

By Mr. BLAIR :

Question. You do not know whether the duty was performed ?

Answer. No, sir.

By the CHAIRMAN :

Question. Was it not made by law the imperative duty of the officers who make up these records and had been paid for it, to make them up ?

Answer. They were authorized to do so. I do not remember now that it was made their absolute duty.

Question. Would they not have been subject to prosecution if they had not made complete records of these administrations, and chancery suits, &c. ?

Answer. No, sir ; I think not. I do not think there was any provision by which they incurred any penalty by failing to do so.

Question. What is the cause, in your opinion, of the great depreciation which has taken place in real estate ?

Answer. The great cause of it is the difficulty in procuring labor, mainly, and the inferior quality of the labor makes it impossible for persons to make their capital available to the extent which they formerly did.

Question. Was live stock liable to be stolen before the war?

Answer. Very little of that ever took place. There was a great abundance of it in the country.

Question. Is it not charged upon the poor whites as well as the negroes, since the war?

Answer. Only in comparatively few instances, some white persons have been engaged in it, or charged with it, at least.

Question. After the war, for two or three years, there was very considerable destitution among the colored people, was there not?

Answer. Not more so, I imagine, than at this time. During the first two or three years they hired themselves, generally, and wherever they did so it was a part of the contract that they and their families should be fed and clothed. I think they are more destitute now than before.

Question. Were they not, in many cases, paid from the proceeds of the crop?

Answer. Yes, sir.

Question. Did not they share in the crop?

Answer. Yes, sir.

Question. Was not there a failure of crops for two years after the war?

Answer. The crops were not first-rate, but there was nothing like an entire failure here; in fact, the crops in many places in the county were very fair.

By Mr. BLAIR:

Question. All the negroes who chose to work, could get food and clothing, at any rate?

Answer. They could get employment; there has been a great demand for labor, and there is, at this time.

By the CHAIRMAN:

Question. Any trouble in finding out the people who steal this stock, and punishing them?

Answer. Sometimes there is; sometimes it is impossible to find out who, but in very great many instances they have been found out. In one instance a colored freedman drove from my neighborhood some fifteen or twenty head of cattle across the river into Mississippi. It was some months before it was ascertained who did it. The stock was lost.

Question. Was he punished?

Answer. Yes, sir. Well, he was not punished for that particular offense. He stole a horse in Mississippi, and they caught him there and sent him to the penitentiary in Mississippi, and he is there now. He has never been punished for the theft of the stock in this county.

Question. Was your county in debt before the war?

Answer. No, sir.

Question. During the war did it become in debt?

Answer. During the war, I think the indebtedness, if there was any, did not amount to a great deal. The confederate money was pretty abundant here, and paid the taxes as well as anything else.

By Mr. BUCKLEY:

Question. Did I understand you to say, judge, that you heard the opening remarks of Mr. Jones, at his attempted speech there?

Answer. Yes, sir; I heard them.

Question. Did you hear anything that was inappropriate, while you listened to him?

Answer. No, sir; as I remarked, I believe, before, I heard nothing that I saw any ground of exception to.

Question. Mr. Jones has been quite a prominent politician, for a man of his age, has he not, in this county?

Answer. Yes, sir; he has been quite prominent in this part of the State.

Question. Was he not elected mayor of your town when he was quite young?

Answer. He was elected mayor of this town, not of mine.

Question. You are living at Linden, I believe?

Answer. Yes, sir.

Question. He was elected mayor twice, here, was he not?

Answer. I do not remember; probably he was; I know he was once.

Question. Was he an elector on the Douglas ticket?

Answer. I do not remember, sir. I do not think that he was, though. I cannot remember now as to that; I was not a Douglas man, and have no recollection of it.

Question. He was an elector on the Grant ticket, in 1868, was he not?

Answer. I do not remember as to that. I could not say that he was not, but I do not remember.

Question. He is the present State senator, is he not, from this county?

Answer. Yes, sir; he represents this county and Hale.

Question. He is very well known over the county, is he not?

Answer. Yes, sir; he is pretty well known in this county.

Question. Did you make the remark to Mr. Jones, at the time you were in the court-house, in conversation with him, that you saw nothing out of the way in his speech?

Answer. It is quite probable I may have stated to him that as far as I heard him I did not hear anything that I felt that an opponent had any right to object to.

Question. I understood you to say you were at home when the troubles commenced?

Answer. Yes, sir; I was at my residence.

Question. Subsequently, while in the court-house, did you tell Dr. Jones that you cared nothing for his politics, and that he should not be run over by a drunken mob?

Answer. I did not intend to make use of those words. I told him while I was in the room that I wished him distinctly to understand that I did not have any favor for him or his politics; but that, while I was there, if it was in my power to prevent it, he should not be hurt.

Question. That he should not be assailed?

Answer. I do not remember the exact language, because when I got there I was like many other persons, and felt, of course, some little excitement, which prevents me from remembering what words I used; but I remember the substance of them; that I did not say what you asked me, but I told him I would protect him as far as I could, even at the hazard of my life. I have seen men under these excitements in mobs and violence, and I know it is not safe always for a man to interpose, and I felt so at the time, and I did not feel very comfortable, really, to be there. I have no desire to put myself in dangerous situations, when I can avoid it.

Question. I believe he states in his card that he felt under some obligations for the efforts you made that day in his behalf, and in attempting to keep the peace?

Answer. I did, for, being an old citizen, I felt it incumbent upon me to keep the public peace.

Question. You do not remember whether you referred to the people on the outside as being intoxicated at that time?

Answer. No, sir. I don't think I said anything about it, because I had not been there with them, and did not know. He is mistaken as to that.

Question. Do you know whether Dr. Jones proposed to go to the house of his cousin, Mr. James W. Taylor's, and you replied to him, "No, they will not mind the women, but will go there and kill you; you will not be safe there;" or something of that kind?

Answer. I think I told him I did not think he would be safe there.

Question. You really felt, did you, that his life was in danger at the time?

Answer. I did, and I told him so. I think at that particular time his life was not safe, and for the reason that I have stated before, that when men's passions get up they are very difficult to control.

Question. Mr. Jones is the present candidate on the republican ticket here for sheriff of this county?

Answer. Yes, sir.

Question. Your county is quite strongly republican, is it not?

Answer. Yes, sir; largely so.

Question. About how much majority at previous elections?

Answer. I suppose one or two thousand.

By the CHAIRMAN:

Question. What number of voters have you in the county?

Answer. Perhaps not quite as much as that; perhaps seventeen or eighteen hundred would be a fair average vote here.

By Mr. BLAIR:

Question. But the entire vote?

Answer. The entire vote of the county is about 5,600.

Question. Your entire population, white and colored, about how great?

Answer. The colored vote, registered, I think, amounts to between three and four thousand, perhaps as high as 4,000; it may be a little more than that. I never made the calculation. I only give the vote, because almost the entire white vote goes one way. The colored vote does not always. Always more or less of them vote the democratic ticket.

By the CHAIRMAN:

Question. Your entire population is, by the census, 26,151?

Answer. Yes, sir.

Question. Of that the colored population is 20,058?

Answer. Yes, sir.

By Mr. BUCKLEY :

Question. I understood you to say the republican majority in previous elections was about how much ?

Answer. I think about seventeen or eighteen hundred votes ; it may perhaps run up to 2,000.

Question. How did you hear the remark that Mr. Jones came down there for the purpose of getting up a difficulty there ; from whom did that remark come ? Was it the expression of the citizens there ?

Answer. I think you misunderstood me. I did not say that of any one, that he made that remark. I was told that that was the impression that they had, that he came down there to make a difficulty. I did not hear that Mr. Jones said that himself.

Question. I desire, then, to ask this question : What possible advantage did Mr. Jones hope to obtain, political or otherwise, in a county like Marengo, where you uniformly have about 1,800 republican majority, and in which he is the republican candidate for sheriff, by inciting or creating any disturbance of that kind at Linden ?

Answer. I don't know that Mr. Jones intended anything of that sort. I do not say that he intended it. I do not know what he might do. There were but very few, as I stated, comparatively very few white persons. He might possibly have thought it was a good opportunity to make a little flourish, and it would, of course, give him credit ; we here all know the colored population enough to know that, if he bullied over the white people, it would be agreeable to them. I do not wish to be understood as charging anything of the sort upon him, because I do not know he had any such purpose, but if he had, that would be the conclusion I would come to, that he would get himself a little credit, or what would give him a very considerable influence, and he might possibly have had such ideas. I am not speaking as to facts, though, but only to his motives.

By Mr. BLAIR :

Question. Is it not the method employed by such men to keep up the republican majority by keeping alive the bad feeling between the whites and blacks ?

Answer. That has been my information, sir ; that has been my belief.

By Mr. BUCKLEY :

Question. Have you ever heard anything in Mr. Jones's speeches which leads you to think that he is animated by any such motive as that ?

Answer. I never heard any one of his speeches, and never read one of them, and I am not able to answer as to that. I only heard a few sentences—that portion, as I say, probably eight or ten minutes, or it may have been fifteen ; and while I was listening to him I did not hear anything that there was any just ground for a person opposed to him in politics to take exception to.

Question. Mr. Jones was born in this county ?

Answer. Yes, sir ; I have known him ever since he was a child.

Question. Always been identified with the interests of this county ?

Answer. Yes, sir. He has no interests anywhere else, that I know.

By the CHAIRMAN :

Question. He was a slaveholder before the war, was he not ?

Answer. Yes, sir. I do not know whether he was an owner ; I know he held them ; whether by right of his wife or his own right I do not know.

By Mr. BUCKLEY :

Question. He works freedmen now ?

Answer. Yes, sir.

Question. In the relation which exists between the planter and freedmen ?

Answer. Yes, sir.

Question. Do you think that those persons who imputed to him that motive of going down there to create a disturbance imputed that motive to him upon their belief that he was to gain anything by keeping up agitation and bad feeling between the races here ?

Answer. I think probably they did. I do not know as to what other men think. I can only form my own opinion. I think they looked at it that Mr. Jones—well, sir, from what I heard men say, they did not think Mr. Jones cares any more about freedmen than they did ; perhaps not so much, but that he anticipates that he will advance his schemes by obtaining and keeping up a great influence for political position ; that is their idea, but that he is very indifferent to them.

Question. The people think, do they not, that he is honest in his convictions and party affiliations ?

Answer. I do not believe many of them do, to answer that question frankly.

By the CHAIRMAN :

Question. He used to be a democrat in good standing ?

Answer. Yes, sir; he was a very good democrat, and they liked him very well as a democrat.

By Mr. BUCKLEY:

Question. His speeches were spoken of in quite high terms when he was a democratic speaker in this county?

Answer. Yes, sir.

Question. He was then regarded as a young man of considerable ability and promise?

Answer. They thought he was right sprightly, but not a man of extraordinary ability. I never heard any one express that opinion.

Question. Did you hear the remarks of Judge J. Q. Smith on yesterday addressed to the grand jury at the time it made its report upon the occurrence in Linden a few weeks ago?

Answer. No, sir; I was not in the court-room at the time the grand jury made their presentment.

Question. Is it in your information that the judge stated in his remarks that Mr. Jones could not get up a difficulty by himself alone?

Answer. I am not able to answer, because I was not present. I do not know what he said on that occasion.

Question. You did not hear that the judge made the remark that the whole affair was very disgraceful to the citizens there?

Answer. No, sir, I did not. I heard no comment at all in reference to his charge to the grand jury when he was impaneling them, or when he received their presentment. I heard a portion of his charge to the grand jury, but it was altogether in relation to misdemeanors. I did not get into the court-room until after he commenced, and if he said anything in reference to that occurrence, it was before I got in. I did not hear him till after the grand jury made their returns.

Question. What is the assessed valuation of real estate at the present time in this county?

Answer. I cannot remember just at this time what it is valued at according to the assessment.

Question. Do you recollect about what the assessment is per acre on real estate here?

Answer. No, sir, I do not. The assessments vary in the different portions of the county. The assessor is required to put a valuation on the land; he is clothed with authority by the legislature to value each man's land. The county commissioners sit as an equalization board, and they value lands in one part of the county, take, say, one township; they fix a general rate, and if there be any lands in that that are shown to be superior in value to others, they fix that value. They are not governed by a general rate; they make the holder of that land pay a proportionate tax; they value it higher and make him pay a tax according to its actual valuation; the other portions of the county the board will fix; for one in one part of the county fix the rate at ten, another at six, another at three dollars, and even down as low as \$1 25, which I think is about the lowest they ever value lands.

Question. Has any portion of the county tax been paid for the purchase of a poor-farm in this county since the war?

Answer. Not since the war, that I know of.

Question. Has any portion of the income from county taxation been paid for the repair and building of a court-house since the war?

Answer. No, sir, none paid; there has been an appropriation made but not yet paid. There was an appropriation of \$300 made since the war for inclosing the ground around the court-house, but not for building.

Question. Was the election held for determining the site of the court-house paid for from county funds?

Answer. I do not know whether it was or not. I never made any examination into that particular matter.

Question. That question, I believe, was submitted to the people of this county?

Answer. Yes, sir.

Question. From what you know from a long residence in this county, do you think a republican is safe, in all portions of the county, in advocating his political sentiments?

Answer. That would depend altogether on the manner in which he does it. If he does it fairly and openly, without inculcating ideas that are deemed to have a tendency to produce disturbance, I think so. There is a republican in this county—there are some few, but not a great many—but there is one that had lived in this county for several years, and has not been disturbed, that I know of. I could not say positively that he has not been, but I do not know any fact of that kind within my own knowledge.

By the CHAIRMAN:

Question. How many white republicans are there in the county?

Answer. I do not think there are more than half a dozen that I know. I can mention the names of those that I know that are republicans. I do not think there are many.

Question. What was the size of the crowd at the court-house at the time Mr. Jones took refuge for protection inside of the building?

Answer. When I got there I do not think that there could possibly have been more than forty white persons. I did not think there were that many; there might possibly have been that many, and I think that there were at the time may be from one hundred and fifty to two hundred negroes there. A great many negroes, when this disturbance took place, hastened away. I met a number of them when I got into the street. I do not think there were more than one hundred and fifty colored persons, and not exceeding forty, I should think thirty, white persons.

Question. Were they generally armed?

Answer. I did not see but two or three persons with arms exposed. I saw one man, I do not remember who, who had a gun, but I saw one white man with a gun, and one man with a hatchet in one hand and a knife in the other.

Question. Is it your information that the whites were armed generally?

Answer. I have no doubt that at the time most of them had pistols,

Question. Were many of them under the influence of stimulants?

Answer. I think probably half a dozen or more were, but not more than six or eight at the time. I do not think there was at any time, on that day, more than six or eight persons who were under undue influence.

By Mr. BUCKLEY:

Question. Do you think these colored people left from an apprehension of danger?

Answer. Yes, sir; that is my opinion.

Question. They left the court-house immediately?

Answer. Yes, sir. I do not know why they did; but the negroes are, a great many of them, very timid, and at the least indications of that sort they will get out.

Question. Were you acquainted with the most of these thirty or forty white people who were there?

Answer. I imagine I knew most of them. I think there were two or three there I did not know.

Question. From what you saw at the opening of the meeting, and the appearance of the crowd, do you think those white men came there to listen to Mr. Jones's speech, or do you think they came there to disturb the meeting?

Answer. Well, sir, I saw nothing to induce me to believe there was any intention to disturb the meeting. It had been spoken of, some day or two before that, as probable that there would be a large number of colored people. A much larger number of colored people were expected there than, according to my judgment, were there. I do not think there were outside of two hundred and fifty, not much over that; some said five hundred, but I think not over two hundred and fifty.

By the CHAIRMAN:

Question. Do you think the white persons came there honestly intending to be indoctrinated in republican principles?

Answer. No, sir; I do not think they had any idea of any such thing.

Question. Do you think they came from curiosity, to hear what a republican speaker would say?

Answer. No, sir; I do not think they came there on that account. I do not think they came at all on account of the meeting; they came for other purposes.

Question. I mean those together at the court-house.

Answer. I do not suppose they went over there on that account.

Question. Were they people who live in the county-seat, Linden, or from the surrounding country?

Answer. Those who were making the noise there lived out in the country, one of them some twelve or fifteen miles. I think he was there the evening before.

Question. These men were all democrats that were making this violent demonstration?

Answer. They were all democrats. I do not think there was a white republican there except Mr. Jones and Mr. Drake.

By Mr. BUCKLEY:

Question. Were these persons men of property?

Answer. I cannot say they were men of much property. One of them owned some property, not much, though.

By the CHAIRMAN:

Question. Were they lawless men, and so regarded?

Answer. I cannot say that they were so. I never heard of their being so.

Question. Were they men of fair average respectability in the community?

Answer. Yes, sir; they were young men, and sometimes took liquor, and occasionally got into sprees, and did like young men in this country have done since the war.

By Mr. BUCKLEY :

Question. You think they got on a spree that day ?

Answer. They were somewhat on a spree that day.

By the CHAIRMAN :

Question. Do the young men generally go armed in this country ?

Answer. Yes, sir. I think it is a general practice; it is a practice that is very general all over this country now.

Question. Is that practice denounced or attempted to be put down ?

Answer. Not that I know of; almost every man in this country, every young man, and a great many of the older ones, carries weapons daily, and they have done so for several years.

Question. Is it from a sense of insecurity ?

Answer. I imagine so. I take it that that is the cause of it.

Question. What conditions are there in the community rendering, in your opinion, the carrying of fire-arms by the white young men of the country necessary ?

Answer. There is a general feeling everywhere in this country that there is a disposition to hostility on the part of the colored population toward the whites; the people think that the negro believes that he is entitled to, and ought to have, the lands and other property in this country to the exclusion of the whites. That is the feeling, I know, of a great many white persons; they believe it.

Question. Did not this same class of young men carry fire-arms before the war ?

Answer. No, sir; I think before the war very few persons carried fire-arms. Those who did it were men of rather turbulent character, bullies.

Question. How do the colored people behave themselves ?

Answer. Generally very well in this county.

Question. Peaceably, quietly, and orderly ?

Answer. We have satisfied ourselves until the last few months that we had the most peaceable and quiet county in the State.

Question. And yet your young men deemed it necessary to carry fire-arms, notwithstanding that belief ?

Answer. Yes, sir. There have been no outbreaks. No such manifestations that I know of.

By Mr. BUCKLEY :

Question. Your planters regard the colored men as good laborers as they can get, do they not ?

Answer. Yes, sir; there have been great competition among them to get them.

By the CHAIRMAN :

Question. Do they prefer them greatly to white men on their plantations ?

Answer. According to the specimens of white men we have here I suppose they would. If they could get such white laborers as they have in many portions of the United States they would rather have white labor, but we do not get them; that class does not come here.

By Mr. BUCKLEY :

Question. The general conduct of the negroes in this community or county has been good, has it ?

Answer. Yes, sir; there has been no great complaint of it recently.

By Mr. BLAIR :

Question. From what does the feeling of insecurity among the white people arise ?

Answer. It arises in a great measure from the fact that they are an ignorant and impulsive class, and a very slight circumstance would at any time produce an outbreak with them; that is one cause of it. No man feels at all times secure, as a little circumstance might happen; their disposition, that they have manifested from the outset, is whenever there has been any difficulty with a white man for the negroes to band themselves together against the whites; that is the reason men have felt insecure.

Question. Is there any distrust felt by the people generally of the counsels given to the negroes by their white leaders ?

Answer. Well, yes.

Question. The white leaders of the blacks ?

Answer. Yes, sir; they hear from negroes that they are told things that are considered as likely to tend to the injury of the whites. For instance, they have heard now, as I have been informed, that Mr. Jones has counseled the laboring or colored population not to work for the white people, or make crops for them. They say he tells them

if they will not make any crops that the white people have no money to pay their taxes, and that if they cannot pay their taxes their lands will be sold, and then they can buy them cheaply. That is what I have heard. I do not know that Mr. Jones does any such thing as that.

By Mr. BUCKLEY:

Question. Do you really believe Mr. Jones ever made such a remark?

Answer. I do not know.

Question. You know Mr. Jones very well?

Answer. I know him very well, and I say I think he is a little unscrupulous when it comes to canvassing. At the same time I do not know that I have any just right to say that I ought to believe such a thing. I do not care to go into Mr. Jones's character unless I am specially interrogated as to that.

By Mr. BLAIR:

Question. Not speaking of Mr. Jones particularly?

Answer. I merely mentioned him as an illustration; not that he said so, but that these facts are reported as having been instilled into the minds of the negroes, whether Mr. Jones ever said it or not, that leads those who hear it to believe that he is pursuing that course, or at least they get these ideas from some one, and it is injurious to the country.

Question. The negroes get them?

Answer. Yes, sir. Everything depends on our agricultural labor, and whatever prevents them from laboring for the white people is injurious to the country. I, perhaps, ought not to have mentioned Mr. Jones's name; I do not know that he ever said it; but they hear that these things were said to the negro.

Question. And the negroes said Mr. Jones said it?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did any negro ever tell you Mr. Jones said that?

Answer. No, sir; I never have any conversation with negroes except about my own business.

By Mr. BLAIR:

Question. Is it not known publicly in this community that Mr. Jones does busy himself in interfering between the employers and the employes?

Answer. I never have heard that he has done anything of the sort. I only have heard, as I say, that he tells these negroes that the way for them to get land—that they ought to have land and mules—and the way to get them is to not work for the white people or make any crops for them, and they would be bound to sell their lands; that they could not pay their taxes, and then the negroes could buy them. No negro ever told me that, for I do not permit them to talk to me about white persons.

Question. Has he not stated in his public speeches that the negroes do not get enough wages?

Answer. I do not know. It seems to me that I have heard that, but I cannot testify to that.

Question. Does he not make speeches in favor of the negroes colonizing in Kansas?

Answer. I have heard so, but I have never heard him make such a speech.

Question. Do you not know that he has a scheme of that kind, which he is extensively agitating?

Answer. I know this, that the negroes, many of them in my neighborhood, had a very strong idea of going to Kansas at one time, were quite high up in the notion of going to Kansas, and they had understood that Mr. Jones said they could get land there free.

By Mr. BUCKLEY:

Question. Under the homestead act he meant?

Answer. I suppose that was the idea. I did not hear what act, but they were very much in the notion at one time.

By Mr. BLAIR:

Question. Now, dropping the particular reference to Mr. Jones and his action, is it not a fact that the white leaders of the negroes instill these ideas of hostility in the negroes' minds against the white population generally?

Answer. It has been done, no doubt, but I cannot state that anything more has been done in that way than I have already stated. As far as Mr. Jones and Mr. Drake (who are the most influential men among them in this county) are concerned, I do not know what either of them say to them beyond these facts. I tell you I never allow any colored person to talk to me about any white person. I get no information from them. I only derive it from other persons. I know that is the impression. I know the white

people here do believe that those gentlemen talk to the negroes in a way to excite hostility; whether they do or not I do not know.

Question. It is this impression which induces the white people to carry arms?

Answer. Yes, sir; they do not know at what moment they might need them.

Question. It is the apprehension excited by these people?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Have there been any risings of the colored people to warrant any such belief as that?

Answer. None that I know of until recently. They have at times made threats; we hear every now and then of threats they make of what they are going to do, but as to any actual demonstration, I do not know of any acts. It has been but a week or two since hearing that in McKinley, in the eastern part of this county, a large number of negroes gathered, expecting Mr. Jones to be there; a good many of them came armed, four or five hundred; they did not come to the place, but within a mile or two of the place, in martial array; by efforts made by some gentlemen there, they were induced to go away without coming into the place with their arms.

By Mr. BUCKLEY:

Question. Was that after the occurrence at Linden, where Mr. Jones's meeting was broken up?

Answer. Yes, sir. A paper was given to me to give to General Crawford, supposing he was here, by Judge Maupin, judge of probate; it purports to be a petition, but General Crawford had left, and I did not give it to him.

By the CHAIRMAN:

Question. Was it reported that the colored people went to this place where Mr. Jones was to speak armed for any other purpose than to protect him?

Answer. I do not know; I did not hear that they threatened anything beyond that.

By Mr. BUCKLEY:

Question. Mr. Jones had an appointment to speak at that time?

Answer. Yes, sir, he had; I cannot speak anything about it except from hearsay. Here is a copy of a petition which was sent to Judge Smith, and which was intended for General Crawford, [producing paper.] I do not know whether it is proper for me to introduce it.

By the CHAIRMAN:

Question. Does it give offense to the white people of this county that any leader of the blacks, or any one who has influence over their actions, should advise them for their own good to emigrate to another country where, under the homestead law, they can acquire homes of their own?

Answer. No, sir. I never heard but one expression in relation to that, and that was, that those who wished to go they would be very glad they would leave. The idea is that if the negroes would all go away a much better population would come in and take their place.

Question. So that you regard the presence of the colored people here a real evil, and would be glad to get rid of them?

Answer. Yes, sir; I think we would be better off without them.

Question. And that is the general sentiment?

Answer. Yes, sir; pretty much so; at least it is the sentiment of the larger portion.

Question. While they are here you—

Answer. While they are here we must do the best we can.

Question. But the planters prefer their labor to the whites?

Answer. Yes, sir; to such whites as we have had here.

By Mr. BLAIR:

Question. Do you know the parties who signed that paper?

Answer. I know some of them; I do not know anything about the circumstances; this was handed to me to be given to General Crawford by Judge Maupin; it was a petition; the original he kept.

Question. Judge Maupin kept the original?

Answer. Yes, sir.

Mr. BLAIR. I would like to have that incorporated in the witness's testimony.

The petition is as follows:

To the honorables J. Q. Smith, judge of circuit court, R. L. Maupin, judge of probate court, of Marengo County:

"We, the undersigned, citizens of McKinley and vicinity, desiring to abide by and protect the laws of the State of Alabama, request you, as conservators of the peace, to

take such steps as you may think necessary, to prevent a riot at McKinley, on Saturday next, which your petitioners have good reason to believe will take place, unless prevented by the legal officers of the State and county.

| | |
|-------------------|------------------|
| "T. N. McMILLAN. | CHAS. S. WOOD. |
| "S. S. KING. | EUGENE McCaa. |
| "JNO. B. EDWARDS. | H. A. WOOLF. |
| "R. L. STEELE. | JAMES O. FITTS. |
| "JNO. B. RAINS. | A. J. WYNNE. |
| "THOS. J. FOSTER. | W. J. PROWELL. |
| "W. R. FORNISS. | LEVI W. REEVES. |
| "W. T. ABRAHAMS. | S. H. BARTLETT. |
| "JAS. L. EDWARDS. | W. P. KITTRELL." |
| "E. A. STEELE. | |

Question. Do you know many of the signers of this petition?

Answer. I do.

Question. Are they men of good character and standing?

Answer. Yes, sir.

Question. Is there any intimidation employed against black men, by men of their color, to prevent them from voting the democratic ticket?

Answer. I never saw any; they have voted at every precinct I have been at. Since 1865, I have happened, on two or three occasions, to be at elections away from my own, and I never saw any intimidation; and I know there has been none at the precinct at which I live. They vote there, and they vote sometimes pretty largely in opposition to the democratic party, in favor of the republican ticket. They vote very largely there sometimes.

Question. You did not understand my question, which was, have you ever known black men who wanted to vote the democratic ticket, to be intimidated by men of their own color, and prevented from voting the democratic ticket?

Answer. I cannot say that I know of anything of that, but I know they have frequently said they were threatened by other colored men that if they did not vote with them they would kill them.

Question. You have heard negroes say so?

Answer. Yes, sir; but I only know what they said about it. I never heard any threat at all, and I never saw anything of the sort.

Question. You only know from what the negroes themselves tell you?

Answer. What they say; they say they have been threatened their lives if they voted the democratic ticket.

Question. Do you believe that many of them would prefer to vote with the white people in whom they have confidence, and with whom they have had relations ever since their birth, rather than vote for the republican party, if allowed to do so without fear?

Answer. I could not say; I do not know that a great many of them do, within my knowledge. There are some who have voted the democratic ticket from 1865 regularly on, and they have been a good deal abused, but still they vote the democratic ticket. There may be a few who would vote it, but I think the great majority of them would vote the republican ticket. Some of them, perhaps, might vote, some of them do vote the democratic ticket. Of course, they think it is to their interest to do so in this, that they can get employment; to carry favor with their employers some of them may do so, but I think the great majority of them prefer to vote for the republican ticket, as far as is within my knowledge.

Question. Is it not deemed essential by such leaders as Jones to keep the negroes in a fever state of excitement, and of animosity against the whites, in order to get them to vote the republican ticket?

Answer. I think so. I am led to that opinion from the fact that it has never been customary for candidates for county offices in this county to canvass the county publicly, to make public speeches when there are no political elections to take place, and that leads me to the opinion that his object in making these public speeches was to excite them, to make them more zealously in favor of the republican party.

By the CHAIRMAN:

Question. Do you not think that the negro, if let alone and uninfluenced by anybody, would, as a matter of principle, or, if not of principle, of instinct, always vote the republican ticket if his will or action was not influenced by his employers?

Answer. No, sir; I do not think so. I think that if they were let alone, their interest being identified generally with that of the white persons, they would, as a general thing, look to the white man for counsel and vote according to his advice. I know that is the case generally where they have much confidence, when they are with a white man in whose employment they are.

Question. Have you heard that the black race, if the democratic party acquire the supremacy again, would be reduced to slavery?

Answer. Yes, sir; I have heard that they have been told so.

Question. Is not that their belief, that their continued freedom is dependent on the ascendancy of the republican party?

Answer. I think that is the belief of a great many of them, the ignorant, the more ignorant ones.

Question. Believing that, would they not, as a matter of principle, vote the republican ticket?

Answer. Certainly they would. If they believed that if the democratic party, if it got into power, would put them back into slavery, they would vote the republican ticket.

By Mr. BLAIR:

Question. Is this one of the falsehoods that is made use of to induce them to vote the republican ticket?

Answer. I have heard that that is so. I have heard it ever since 1865. That has been one of the arguments used with them to induce them to adhere to the republican party, that if the democrats got into power they would put them back into slavery.

Question. Does it irritate the white people in this country to have demagogues going around uttering these falsehoods to the negroes?

Answer. That is one of the causes of their excitability, or being so easily stirred up.

Question. That is one cause of irritation?

Answer. Yes, sir; one cause of irritation.

Question. That men who really have no interest in the negroes, have never shown any interest in them, should pretend to this immense desire to prevent their being reduced to slavery by a party which has no idea of doing it?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Is it not your opinion that the belief is almost universal, among the colored people, that the democratic party has assumed a position of hostility to the colored man's exercise of the elective franchise, and does not that belief, more than anything else, bind the colored men together and cause them to vote the republican ticket?

Answer. Well, I do not know. I think it is quite probable that many of the negroes think that their interest is bound up with the republican party, but as long as they can get advice from one they deem to be a republican they will not ask nor receive advice from those who live here, nor pay any attention to any argument that is used to them.

Question. Are you not of the opinion that if the colored man had confidence in the democratic party, that it would not interfere with the elective franchise, they would accept of the advice of their democratic employers and others?

Answer. I do not know that I could answer that question. My own opinion about it is simply this: that the negroes generally are hostile in feeling toward the white people of the South.

Question. You do not mean that they personally are hostile?

Answer. I mean that there is a feeling; they have a general animosity; personally every negro, perhaps, likes some white man, but he has a general hostility toward the white people of the South, and as long as this excitement is kept up no kind of treatment by the white people here can break that hostile feeling down; and that is the reason why the people of the South here generally believe that if they were let alone, and no excitement, nothing tending to excite them, that feeling would subside, and they would get an influence over them which they think they ought to have. They have lived here with them, and they employ them, and are the best friends they have, and they ought to have some influence over them. But the negro has been led to believe that, if the white people here had the power, they would put them back into slavery, and if the democratic party get into power they would put them back; therefore this animosity is kept up.

By the CHAIRMAN:

Question. Do they entertain this animosity, in your opinion, from the fact that the colored race have been for generations enslaved in the Southern States?

Answer. Many of them do.

Question. And regard it as a wrong?

Answer. Yes, sir; they think they have been kept in slavery, except a few old ones formerly free.

Question. They held this sentiment before the war?

Answer. Their state was such that they did not think much about it; they thought themselves slaves, and believed they always would remain slaves. I do not think they ever indulged in reflections on that subject. I think some few of them might have done so.

Question. As to this petition, have you seen the original?

Answer. No, sir; I never saw it.

Question. This petition is without date; at what time was it got up?

Answer. I suppose—I have no information more than just to receive it and deliver it to General Crawford—and the inference was that it had been only sent to Judge Smith the day before; but I cannot say.

Question. Was it got up in anticipation of the meeting at McKinley that Mr. Jones was to address?

Answer. No, sir; in anticipation of a meeting to take place next Saturday at McKinley.

Question. Is that a meeting advertised by Mr. Jones?

Answer. No, sir.

Question. What is the character of the meeting to be held there?

Answer. I cannot inform you.

Question. Do you understand that it is a political meeting?

Answer. I suppose it must be a political meeting.

Question. Then it is called by somebody, of course, and for some purpose; who is it called by, as you understand, and what is the purpose?

Answer. I never heard. I think I heard before that, that perhaps it was expected that Mr. Reynolds, or some other gentleman—I am not positive whether he is the one—was to be there next Saturday to make an address.

Question. To the colored people?

Answer. To the colored people.

Question. And to the people generally?

Answer. To the people generally.

Question. Why was there apprehension of a riot?

Answer. Because, at the previous meeting called by Mr. Jones, so large a body of negroes had come there, not from this county alone but from other counties, with arms.

Question. But I understood you to say they came there armed purely for the purpose of protecting Mr. Jones?

Answer. I do not know what they came armed for.

Question. They did not use their arms?

Answer. No, sir.

Question. They did not hurt any one?

Answer. I did not hear that they shot any one.

Question. This petition was got up since the riot at Linden?

Answer. Yes, sir; since then.

Question. Is it signed by citizens of Linden? Please look over it and state whether there are citizens of Linden there?

Answer. I see the names of some persons here of Linden. It is signed by Dr. McMillan, S. S. King, John B. Edwards, R. L. Steele, Thomas B. Foster.

Question. Are they all citizens of Linden?

Answer. I do not know as to Mr. Foster, but I will call over the names of those persons who reside in the neighborhood of McKinley, and then I will call the other names: Dr. Abrahams, James L. Edwards, E. A. Steele, C. S. Wood—those are all persons residing at or near McKinley.

Question. Give us the names of those living in the neighborhood of Linden.

Answer. I will give those who reside at Linden, or in its neighborhood: John B. Rains, H. A. Woolf, W. P. Kittrell. These are all who reside at or near Linden.

Question. Was that petition got up this week, Judge?

Answer. I suppose it was. I know nothing about it except it was handed to me to be given to General Crawford.

Question. Was it got up with a knowledge that the sub-committee appointed under the authority of Congress was sitting here this week, and that General Crawford would meet that committee here?

Answer. They knew the committee would sit here; but whether they knew that General Crawford would be here at the time it was gotten up I do not know. I did not know General Crawford was here until yesterday morning, on my way here. I do not know what information other gentlemen had—these parties here—when it was got up, or where.

Question. Do not the whites of this community feel quite adequate to deal with the negroes without calling on United States troops?

Answer. No, sir; they did not at McKinley.

Question. I understood you to express, some time since, the opinion that the negroes were timid, and would fly from the face of a white man.

Answer. I say a great many of them would, but some are not so timid.

By Mr. BLAIR:

Question. Some white men are timid also, are they not?

Answer. Probably if they had not that perfect confidence in their courage over the blacks they might run, sometimes, as quickly as the blacks, under certain circumstances.

By the CHAIRMAN:

Question. That little squad at Jones's meeting was dispersed, and the negroes present to support him scattered off the ground?

Answer. Yes, sir; they scattered, a good many of them.

DEMOPOLIS, ALABAMA, October 25, 1871.

THOMPSON C. HAWKINS sworn and examined.

By the CHAIRMAN:

Question. State where you live.

Answer. I live in Greene County at this time.

Question. What is your occupation?

Answer. Well, a farmer, sir.

Question. Were you ever appointed a mail-route agent?

Answer. Yes, sir.

Question. When did you receive that appointment?

Answer. I think it was some time the first of last March, sir.

Question. Do you hold that office now?

Answer. I do not.

Question. How long did you exercise the duties of the office?

Answer. Four or five days, sir.

Question. Did you resign?

Answer. Yes, sir.

Question. Why did you resign?

Answer. Well, I didn't think I could do it with safety to myself.

Question. What led you to think so?

Answer. Well, there are many reasons for why I was led to believe that—many reasons—the state of feeling that existed in the country. First, after the surrender, I have always lived a democrat, been raised a democrat, always adhered to that up until the war. After the war, I began to think things over; that I had helped to break up the Government, had voted for secession, and I attributed the war to the attempt of the democratic party to break up the Government; and after General Lee surrendered, and people were generally paroled and surrendered everywhere, I concluded that the best policy for me and the country would be to adhere to those that had most victory and power to make the laws for others to abide by. I have always been a law-abiding man. I have never had a row, fuss, or dispute, or fight with a man in my life. I have lived in Hale County about twenty-five or six years. I now live in Greene County, as the counties are divided. I have always lived in peace and harmony with all mankind. That has been my prayer to God ever since I have been a grown man, and ever since I was a boy. I owe no man no ill-will. I never injured a man, intentionally or personally, with a view of injuring him. I voted the republican ticket since 1868, and the feelings of the country has been so bitter against a thing of that kind that I have been annoyed and harassed one way and another, and sometimes regretted that I had ever anything to do with it, or voted at all. I am truly sorry that I ever voted at all or had anything to do with it.

Question. Why did your neighbors complain of you for voting the republican ticket; what reasons do they give?

Answer. Because they thought it was the destruction of the country. They object to what is called the radical party in this country.

Question. Did you receive any persecution at their hands while you continued to vote the radical ticket?

Answer. Not particularly, sir, further than being ostracised entirely. Well, they paid very little attention to me any way; they shunned me; didn't want anything to do with me, or say to me. I was visited by several of my friends; they called me "on the fence," and wanted me to go with the democratic party. They knew I didn't want all my friends to forsake me, and if I went with the republican party they would forsake me. I had one friend in particular, who is now dead, Dr. Hunter, visited me a whole day on this subject. He expressed his feelings to me, and me to him. He told me I was no radical, and that he would report the facts to the country that I was misrepresented. I told him not to do it; I told him a man didn't know himself, he only acted in obedience to the circumstances with which he was surrounded; having a belief one way, and the circumstances surrounding him would lead him to do things

he otherwise didn't want to do, or intend to do. They talked it over the country, that I was this and that and the other, and taking sides with Hays and the republican party, and they dropped me *in toto*, and would have nothing more to do with me. The thing has continued along that way heavily, and it has been a heavy drag with that hanging over me from that day to this. Well, when I was appointed route agent here, I, knowing the feelings that existed in the country, and what had been termed outrages here—I was upon the cars last fall some time the first of November, when a man was killed, a colored man, who was running on the Selma and Meridian road as route agent.

By Mr. BUCKLEY:

Question. What was his name?

Answer. I don't remember his name; I have heard it.

Question. Was it Frank Diggs?

Answer. I really don't know whether it was or not. I was on the cars when he was killed, and the man said to have killed him ran off up the hill. It was late, getting pretty heavy dusk, and then, knowing the feelings that existed around generally, and that they were so much opposed to that party when I got the appointment, I went to two very prominent gentlemen, that is, the firm in Eutaw—

By the CHAIRMAN:

Question. What is the name?

Answer. Morgan & Jolly, lawyers there.

Question. Prominent democratic lawyers?

Answer. Yes, sir; men I have known for some time. I lived three years there with Mr. Morgan's uncle. He knew me, and I knew him. Colonel Jolly was a practicing lawyer and partner of Dr. Alexander's son-in-law, Dr. Herndon, of Mobile. I have always looked upon them as high-minded gentlemen, honest, straightforward, upright men. I don't know that they had anything in the world against me. I went to them believing that whatever they said to me I could rely upon, and I thought if they persuaded me not to take the position on the railroad, I wouldn't do it, under the circumstances, and if they advised me to do it, I intended to do it at all hazards. Mr. Jolly didn't advise me at all, but was present, and Mr. Morgan did. He told me if he was in my place he would take it and run it; that it must be a stepping-stone to a better position. I was owing a little money at the time, and didn't have the money to pay them, and they had been my lawyers. I never had but precious little to do with law in my life, but when I had anything to do I called on this firm, and they had some business of mine in hand, so I applied to them. He told me to do it. From there I went over and was qualified, and took the position, and I made, I think, about four trips. The first night I went down I was told upon the cars that the people, the citizens of Livingston, didn't intend I should run it, by a young man named Long, who was a sub-route-agent on the Selma and Meridian road. I asked his reasons, or cause, what was stated to him why I should not run the road, what objection, did the citizens of Livingston know more about me than the citizens of Eutaw, who had known me and saw me from one to three or four times a week, and they advised me to do it; why should the people of Livingston, that didn't know so much about me, say I should not. He said it was stated to him because me and Hays were two of the meanest men in the world, and ate with the negroes. I thought that very strange. After getting to Meridian that night I met with an old acquaintance of mine, I have known him for fifteen or eighteen years, named Harris, a prominent young lawyer of Livingston. I used to live with his aunt when he was nothing but a boy, full-grown, perhaps, but nothing but a boy of sixteen or seventeen, but looked like he was fully grown. He is a very tall man, and was a tall boy then. Says I, "Friend Harris, I am proud to meet with you," because he was a Mason, and I claimed to be one; says I, "Friend Harris, I am proud to meet with you; I have heard to-night a circumstance that I wish to relate to you, and want you, as an honest man, to tell me why such and such things are so; why is it the people of Livingston has so much against me?" He says, "I don't know as they have anything against you." I says, "I am informed to-night that they are determined I shall not run this road; why is this?" He said he didn't know. "Now," says he, "I don't think that is the case," says he; "but if it is, I have been off from home a few days," says he, "and when I get back home I can find this out, and," says he, "I can let you know," and says he, "if I can put a stop to this thing, which I think I can, I will come down and notify you myself, on the cars."

Question. Was he a democrat?

Answer. He is a democrat. He run against Hays for Congress. He is a high-minded, high-toned gentleman, a man I have always liked exceedingly well. Well, I think, if I mistake not, he told me I could correspond with him upon this subject, if I mistake not, and I don't think I am mistaken; I goes back up and down a trip or two, and one night—they paid very little attention to me now—at that precinct, Livingston, the postmaster would always come out and ask for bags, exchange bags, &c., but at other

places they didn't notice me at all. The thing was so uncomfortable, so disagreeable in all shapes and forms and measures—I had given no cause, I didn't know why they treated me in this form—that I grew very sick and tired of the business; four days and nights being on the road, no place to stop convenient or lay down and sleep, I became sick, was exceedingly sick. The last night going down past Livingston they stopped there; something was ailing the box-car; that was the last night I went down, and when we were at Livingston there were some four or six young men apparently come up, right in front of the car, which stands beside the platform. When I noticed them I thought they were a band of music; that occurred to my mind that they belonged to a band of music. They had on caps or hats, as well as I recollect, and in front something like a white paper, I suppose as wide as my two fingers, and may be four or five inches long. That attracted my attention, or called it to believe that they belonged to a band of music. They remarked, "This is a gentleman's car, I suppose; there are two" —

Question. They said that to you?

Answer. If they directed their conversation to me, I didn't know it. The only way I knew they were talking to me or at me was they would speak something in regard to the messenger. As I was termed mail-route messenger, I understood it. They said, "This is the gentleman's car, I suppose; only two men are allowed to ride in them." One of them said, "I would not be surprised if somebody died in that car to-night," and went on to make remarks that I am unable to repeat. Now I thought, relying upon what my friend Harris had told me—because I have always been friendly to him and like him, whether he does me or not I don't know—depending upon what he told me, I paid as little attention to them as I possibly could. It was an open box-car; I stepped to the other door. I just leaned against it, and they were in front of the door behind on the platform. I was noticing what they were doing at this box on the car, but particularly paying attention to what they were saying; they would speak of the messenger occasionally, and wanted to know whether he was pretty spunky, and would stand to a fellow pretty close. The thing passed off for some time, and he remarked that they thought they would come down that night, speaking to some person, I don't know who, that must have had business in that crowd or that particular lot, it might have been to the conductor for what I know; then they remarked they thought they would go down Saturday night, and speaking something in regard to me, I could not hear it, but the remark was, "I will carry a rope for him." Previous to this time, when I got sick—allow me to correct myself, I am a little too fast—no; it was after that I had got sick, and—but I had looked to Mr. Harris, my friend, as I understood him, as saying I could correspond with him. I wrote to him in regard to this matter, and he failed to answer me. Well, I lay sick for several days, and went up to Eutaw, to either resign or to take charge of the car again. I goes to Mr. Morgan and mentioned it to him. Says he, "I am glad you have mentioned this subject to me." He says, "So far as I am concerned, you could run the car here forever, or perhaps these people." "But," says he, "I have been off from home." I am not certain of that expression, but was pretty certain he had been off from home. I know he had. He said, "I know you are obnoxious below."

Question. Referring to Livingston and Meridian?

Answer. I presume so. Says he, "I wouldn't have anything more to do with it. I wouldn't go on it again, not that I ever saw a Ku-Klux in my life," he says, "or know one; but," he says, "you know they killed this man" (that I spoke of a little while ago.) "If they killed him they might kill you. Your life is as dear to you as anybody else's, and I wouldn't see you hurt." "Now," he says, "if this is worth anything, act upon it; if not, why then pursue your own course."

Question. What course did you take after you received that advice from Mr. Morgan?

Answer. I went round and talked with two or three gentleman up there that used to be particular friends of mine, as I think. I talked with Dr. Webb and Mr. Dunlap, and Mr. Dunlap told me that I ought to go around and talk with such men as I could approach, and give them my views in regard to this, and Mr. Webb advised me to come out in a card, quitting the republican party, and have nothing to do with it. I think they wrote three notes before I agreed to it, that is, to sign one. Mr. Dunlap told me they were a charitable people, a forgiving people, and they would freely forgive me.

Question. If you would renounce radicalism?

Answer. Renounce it; and after I signed this note, this card, Dr. Webb called with me over into the office, and we deposited it there for publication, and the next week—it was too late that week, perhaps it was the following week, they couldn't get it in that week—the following week they put it in. The editor stated: "We gave a black recantation of radicalism last week; this week a white one; but we fear that radicalism is a disease, and unless the blood is all let out, the disease will remain therein."

Question. That was the editorial which accompanied the publication of your card?

Answer. Yes, sir.

Question. That radicalism was a disease, and the only cure for it to let the blood out?

Answer. That was the substance.

Question. Was that a democratic paper that published this?

Answer. It is for a fact. From that time up to this I have had nothing to say nor do with anybody.

Question. How did the whites treat you after the publication of your card; did they show any more friendship for you?

Answer. If they have sir, I have not been able to discover it; that turned me down so completely that I concluded I would have nothing more to do or say with anybody on any subject, and the least I know the better off; the least I said about that, so much the better. I have no animosity against any man in the world. I don't want to do any man any harm or have any ill-will toward him under any circumstances.

Question. Are you a seeker after office?

Answer. I never sought any office in my life.

Question. What is your occupation?

Answer. I have always been a farmer. I was farmer and overseer.

Question. Did you own any land of your own?

Answer. I owned three hundred and twenty acres of land; that is, a lifetime interest in it.

Question. Do you cultivate it?

Answer. Yes, sir.

Question. Do you know a colored man named Ben Lenon?

Answer. Yes, sir; I do.

Question. Do you know of his coming out in a card and renouncing his affiliation with the republican party?

Answer. I presume that is the card that came out previous to mine, the week before.

Question. Is it the same card to which this editor referred?

Answer. I understand it is such.

Question. What were the facts of his case, so far as you know; what do you know of the Ku-Klux taking him out of jail to hang him?

Answer. Well, sir, I don't know anything about the Ku-Klux taking him out of jail and hanging him. I have heard him state frequently, that is, several times, he was accused, him and others were accused, of poisoning a woman up there, who died; a Mrs. Cross, I think. In the trial, when they were taken and carried up there, on the way they were detained, I think he told me, at Mr. Cross's a considerable time.

By Mr. BLAIR:

Question. Cross was poisoned?

Answer. Mrs. Cross were. They were detained some time at Mr. Cross, the husband, a white person.

Question. And Lemon was arrested?

Answer. Yes, sir; and before they reached Eutaw, after leaving there, he says he met a company of men in disguise: they halted them, and asked whose command. The sheriff told them, the sheriff of Greene County; they asked what he had; he said prisoners; they asked what the prisoners were charged with; he said murder.

Question. What followed?

Answer. He said they took a woman, and a man took charge of them and carried them off. The man made his escape and got away; the woman, they put a rope around her head, as I believe, a cast band, and perhaps wound a stick, as well as I understood, in that rope, around her head here, and I don't know whether she got away or what. No, I think they carried her on and put her in jail. I am satisfied they did.

Question. These disguised men?

Answer. No, sir; the sheriff's crowd. The other man got away; they put them all in jail. That is as far as I know anything concerning that.

Question. Is that all Ben Lemon told you?

Answer. Yes, sir; in regard to that matter.

Question. What did Lemon tell you the disguised men did after they halted the sheriff's party, and made these inquiries relating to the prisoners?

Answer. They took off this man and woman.

Question. It was the disguised men took off the man and woman?

Answer. Yes, sir.

Question. How numerous were they?

Answer. I think he said they were ten or twelve.

Question. Did he tell you they were disguised after the manner of the Ku-Klux?

Answer. Yes, sir; I suppose so.

Question. Was either the man or woman murdered?

Answer. No, sir.

Question. Lemon was taken on then, and put in jail?

Answer. Yes, sir.

Question. What occurred after he was put in jail; was he ever brought to trial or discharged?

Answer. He was fetched for trial, a day appointed for trial, and I was summoned and my wife before the court; and the prosecuting party, who was Mr. Morgan, I think, came out, and said that he couldn't find or didn't find sufficient evidence to make a case out of, and dismissed it, and everybody went home.

Question. That is the only visit he ever received or knew anything about from the Ku-Klux, is it?

Answer. Yes, sir.

Question. What do you know of a man named Clark receiving a Ku-Klux notice to leave?

Answer. Well, now, sir, I heard that he received a notice to leave here in so many days; I think I read it; I think he showed it to me.

Question. You think you read the notice?

Answer. I think I did.

Question. Can you repeat how it read?

Answer. No, sir; I cannot repeat how it read now, only I think he was to leave against the 15th; I think that was within a few days.

Question. What year was that?

Answer. Eighteen hundred and seventy-one.

Question. What was his offense; what had the Ku-Klux against him?

Answer. I am unable to say what they had against him; he came from Washington down here as a physician. I learned afterward that he was known as a democrat in Washington, and had been turned out of the Department simply because he was a democrat; but he was recognized down here as a radical or abolitionist. I think he was reported as an abolitionist.

Question. Did he suppose then that he was warned to leave because of his radicalism?

Answer. Not of his cause; he didn't claim that; but because they accused him of it.

Question. Did he leave?

Answer. Yes, sir; he didn't wait for his books or medicines; he just took it dry so, and that without any money whatsoever.

Question. Have you heard of any other cases of parties receiving Ku-Klux notices?

Answer. Not that I can call to memory; yes, I have heard that Smith did, Arthur Smith; he was superintendent of education. I heard him say he had got one.

Question. Was he a republican?

Answer. He was, sir.

Question. Did he leave or stand his ground?

Answer. He stood his ground for a short time until after the day happened that they had set for him to leave on; he said he staid to see what happened that day, but not a great while longer.

Question. Were any demonstrations made against him that induced him to leave suddenly?

Answer. Not that I know of, sir.

Question. Did he leave because of his belief that he was in danger if he remained?

Answer. I presume he did. I don't know that to be the fact, sir.

Question. Do you know of any negroes being whipped?

Answer. I have heard of it, sir; I don't know it personally to be facts; I didn't see them afterward.

Question. What cases have you heard of?

Answer. I have heard of divers. I heard of one down on Major Hay's land; Choc-taw Joe they call him; he was pretty severely whipped down there some time last spring.

Question. Have you heard of other instances?

Answer. I have heard of a great many, sir; but believing that the least a man knowed the better it was for him, I read no papers to be harassed and annoyed in that way; have not read the papers for some time, and hardly ever pay any attention to anything talked to me about negroes being whipped or abused, or anything of the kind. I have heard of it being done on Colonel Dew's place; it used to be his place.

Question. Do you think a radical or republican would be safe in that part of the country in openly advocating his sentiments, and endeavoring to promote the success of the republican ticket?

Answer. I don't think he would, sir.

By Mr. BUCKLEY:

Question. Can you give us more minutely the particulars in regard to the killing of Diggs, that route agent? Where was he killed?

Answer. He was killed near the line of Mississippi.

Question. At a wood-pile station there?

Answer. Yes, sir.

Question. You were on the cars at the time?

Answer. Yes, sir.

Question. Where was this agent at the time he was killed?

Answer. He was in his box, I presume, sir. I didn't see him, but I heard him there.

Question. He was shot, was he?

Answer. Shot, I think; I understood there was fourteen or sixteen buckshot put into his breast.

Question. Did you understand that the man that shot him was a disguised man?

Answer. I saw him as he ran off up the hill; it was too late for me to really see whether he was disguised or not; he looked to me like he was disguised, and they said he was.

Question. Did you see his gun as he ran off?

Answer. No, sir, he appeared to go stooped. At the time he was running, I had heard the report of the gun, but I didn't know; I thought some one had fired a gun off on the cars. I thought he was trying to catch something on the ground—some one from the cars, trying to catch a chicken or something that got lost; he appeared to be grabbing, and running, and catching, and holloing one or two keen holloes after he got off from the cars.

Question. Did you see any others above in the woods, or hear them?

Answer. I don't remember that I did. This was a long train, and I was in front, and I never got up out of the car I was in; directly the report came back that the route agent was killed, and there was a good deal of excitement about there.

Question. Did you see the dead body?

Answer. I did not, sir.

Question. You spoke in your testimony of going to see Messrs. Jolly & Morgan?

Answer. Yes, sir.

By the CHAIRMAN:

Question. At this time I will ask when this route agent was murdered?

Answer. I think it was on the 1st of November, 1870.

Question. Have you ever heard that any one was arrested and punished for his murder?

Answer. No, sir, not that I recollect of.

Question. Have you ever heard that any attempt was made to find out who murdered him?

Answer. Not that I recollect.

Question. Have you ever heard what the cause of his murder was, beyond the fact that he was a republican and in the service of the United States?

Answer. I think, sir, the grand objections were that he was a colored man; that is my opinion; not that I can say within myself that I have ever heard any one express themselves in that way, but that is the impression I am under.

By Mr. BUCKLEY:

Question. Did you know a man named Sheffield, who taught school in your place, or near there—a colored school?

Answer. Yes, sir.

Question. Was that school broken up or discontinued?

Answer. Yes, sir; it was discontinued.

Question. For what cause? State what you know about it.

Answer. The cause of it being discontinued I couldn't state clearly within my own knowledge of the facts, but the previous facts to that I have a pretty good knowledge of; the people objected to it, I objected to it myself, simply because my wife had been ostracised in the manner in which she had, nobody visiting her or asking her to visit them; and she said folks were down on me, and they would be down on her, because he was teaching on the place on which I lived; that they would be down on her, and she didn't want such a thing, and she wouldn't submit to it, if she could help herself; and he moved from there to Major Hayes's, to what is called Hayes's Mound. I know the folks were down on him considerably in the country, for teaching a black school. He was threatened to be slashed several times, that I heard of.

Question. Are the people in that county opposed to the education of the colored children?

Answer. Some is, I reckon, and others isn't. I have heard several men say they were not opposed to it. I heard Squire Morgan say he wasn't opposed; if we have got them among us, it is essential to have them educated. I have heard others say it. I know as a general thing men is opposed to a man that will teach them, unless—mark you—it is taught by a man that we are acquainted with, and know his principles, and about what he will instruct them; a man outside of them, that we don't know how he is going to instruct—I think they are opposed to that, though.

Question. Do you know whether the teacher, Sheffield, had any conversation with the county superintendent about his school?

Answer. Yes, sir, from his statement, I do.

Question. State that conversation.

Answer. He told me he didn't participate in politics; that he had never voted in his life; had nothing to do with politics; didn't meddle with politics; he was too young; that he was a native of Virginia, and had been fetched down on this Alabama and Chattanooga Railroad to work, and he had been discontinued; they failed to pay him; he was without clothes, away from home, without home, and destitute. He stopped on the place that I lived on, and took shelter with a negro; and the negroes advised him to go to teaching school; that got him into the school. I told him repeatedly he had better quit.

Question. Why?

Answer. Because I know the folks were opposed to it. He told me under these circumstances, having nothing to do with politics, that he had told the superintendent, who was Mr. McCracken—

Question. A democratic superintendent?

Answer. Yes, sir. He asked his opinion; he told him he was of the democratic party, and employed by the democratic party, and if he meddled nothing with politics that he would not be molested. So he stated to me, and he acted upon it.

Question. Still he did abandon his school there and move away?

Answer. Yes, sir. I don't know positive whether it was because he couldn't get employment longer. I rather think Mr. McCracken told him he had better get board with some white man, and he tried to get board with a white man, and he couldn't do it; and he said if he couldn't do it, he intended to quit. Whether he did quit for that cause, or because there was not funds to run him another session, I am unable to say.

Question. Have you heard of any other school being discontinued in that county, or broken up?

Answer. I have heard of several, but only from hearsay.

Question. Have you heard that any school-houses were burned?

Answer. Yes, sir; I have heard of that, too.

By Mr. BLAIR:

Question. Don't you know that there is a negro school taught now, and has been all along, in Eutaw, with sixty or seventy scholars?

Answer. I have heard there were, sir.

Question. Do you live in Eutaw?

Answer. I lived three years in three miles of it, before the war.

Question. Nobody threatened you when you were on that road?

Answer. Nobody threatened me, as I know of, only what I have stated.

Question. You heard people talking?

Answer. I heard them talking a good deal.

Question. Do you know the men?

Answer. I do not.

Question. Do you know that their conversation was directed to you?

Answer. Only, as I stated, when they would call the name of messenger. I presume it was directed to me, from the fact they said the messenger, and they led off by saying this is a gentleman's car, and only two men are permitted to ride in it. That is the only reason I have to presume their conversation was directed to me.

Question. Don't you think you were unnecessarily sensitive on that occasion?

Answer. I do not. What do you mean by "unnecessarily?"

Question. Unnecessarily alarmed. There was no demonstration made to injure you.

Answer. No demonstration, but, all things combined together, there was the cause. The first night I went down I was informed by a young man I never saw before nor heard of, named Long, that he had been told that the people of Livingston, as I told Harris, said I should not run. How did the people of Livingston know I was going to run or had any idea of running? He said he didn't know it. Harris told me he didn't know it. Shouldn't you draw the conclusion from that that the people of Livingston—

Question. The fact is, you had just qualified, and it was not by any means such a circumstance as would become known at once to the people of Livingston. Was not this man Long was talking for the purpose of alarming you, and not telling the truth? How could he have known the opinions of the people of Livingston? How could they have learned you were in that place?

Answer. The only way I can account for that, or perceive anything that would lead to that, were that the agents had saw my papers come in.

Question. Did the agents make it known to all the people of Livingston that your papers had come in?

Answer. I can't tell about that, but they couldn't possibly have found it out in any other way. The paper came in, "T. C. Hawkins, route agent," and that is the only way I can account for it.

Question. How many people of Livingston do you think saw that commission?

Answer. I don't know that any man that ever lived in Livingston saw it, but they

must have known it, or they couldn't have said anything about it. Somebody must have known.

Question. How do you know they did say anything about it?

Answer. I only know it through what occurred afterward, and what I was informed of.

Question. By Long telling you?

Answer. By Long telling me this, and what occurred afterward.

Question. Is it not the most reasonable presumption in regard to that matter, that the people of Livingston actually knew nothing about it, and that Mr. Long, or whoever made the remark, undertook to alarm you about this thing, without having any justification whatever for what he said?

Answer. I tried Mr. Long on that; I tried him somewhat, I think, from the fact that I suspected maybe he might do something of that character, as his term was going to expire, and he was only a sub-route agent; his term was going to expire as soon as the general-route agent returned from a trip somewhere, being sick. I asked him who instructed him to this effect. He told me that; he told me a name; I think his name is T. K. Goodloe. The time I run up and down the route four or five days as mail-route messenger, Goodloe was on this car. Goodloe had a provocation at a place over in the edge of Mississippi. He asked a negro, which he had met and taken, who was on the car, who I am well acquainted with, to come to the door; that is the same night we left Livingston; to see where these Ku-Klux were; that he thought they were numerous out there; and he went on with several remarks regarding this Ku-Klux question; that led me to believe they had been accessory, and the statement was given by young Long to me, that led me to believe this. I may be mistaken, but I think not.

Question. Don't you think that Long wanted to frighten you off, so as to retain his place?

Answer. I thought such a thing was possible, but from what occurred with the man that he said stated these facts to him, it led me to think he had told it, and I believe he did tell it; his conduct proved it.

Question. Goodloe did not live in Livingston?

Answer. No, sir; in Meridian, I think.

Question. Then he didn't know what the people of Livingston thought about this matter?

Answer. He was acquainted intimately, I think, all the way on the road, as far as it extended. I think it went only a short distance above Eutaw at the time; but I have heard him speak frequently. Now a little circumstance attracted my attention. You will recollect a man named Coleman run off from that Selma and Meridian road; and this man Goodloe, I have heard him say myself, speaking of these Ku-Klux to me to frighten me—I knew his object—said that there was a gentleman came in there one night, or a man fixed up, and he was sitting sort o' in a doze, and he pulled out, this long critter pulled out his pistols and cracked him on the head; and he said, "I looked up at him and said, 'You damned son of a bitch, you had better not crack me over the head;'" and I like to have called his name, but I wouldn't have called it for a thousand dollars, and he went back to the other car." These things impressed me that this was so. That is my notion of things, not that I am prejudiced or owe any man any ill-will.

Question. I did not suppose you did.

Answer. I wouldn't hurt a hair of any man's head. I never had a row, fuss, quarrel, or dispute with any man in my life, or owe any man any ill-will; and it was a mystery to me how men took the idea I should not do so and so, and how they found it out at a very early day, before I knew it.

Question. They found it out before you did?

Answer. Yes, sir, they did.

Question. Now, is it not your impression that the truth is that they did not know anything about it?

Answer. They must have known.

Question. May it not have been just one or two of these men with the sub-route agent, who were playing upon your fears and apprehensions, when they had an interest to keep you off the road, in order that this man might be retained upon it?

Answer. These are things that developed themselves frequently to me during my short sojourn upon that road. A gentleman, I don't remember his name now, told me he would like mighty well to be a route agent upon that road. Mr. Harris introduced me to these men at Meridian or Livingston, and told them he knew me for years; that I had the appointment, and he would like them to treat me so and so—gentlemanly; that he knew me personally. One of them remarked to me he was proud I was appointed. He said divers of men, I think near on to hundreds, had applied for that thing, and that led me to believe, you know, that there was a great deal in this. Mr. Harris told me also that there was lots of men that would do these things, and Mr. Harris stated to me: "I will tell you one thing: I don't blame the republican party for appointing men that are recommended," says he. "I know that the democratic party would do it, and I don't blame it. Now," he says, "there is lots of men will

want your position and attack you, and say this and that and the other ;” and he says, “ I will say this to you : if any man molests you, or says anything to you in regard to this matter, do you just say to him, ‘ I owe no man any ill-will, and I have the appointment of route agent, and I expect to discharge my duty and run this road at all hazards ; and,’ says he, ‘ I wouldn’t say anything else.’ ”

Question. Then it may have been that all this trouble was made by people who wanted the place ?

Answer. I have no doubt but what such a thing was possible. I only state the facts, what I know is facts ; outside of that I don’t know any thing about.

Question. You know very well that Long was interested in keeping that place there ?

Answer. Yes, sir.

Question. He wanted to keep his place there ?

Answer. He told me it would expire as soon as this man returned. I suppose he would like very much to have—

Question. Retained it ?

Answer. Yes, sir. He was a very clever young man.

By the CHAIRMAN :

Question. I suppose somebody wanted the place of that route agent who was killed ?

Answer. I expect they did.

Question. I suppose you thought you might be served in the same way that he was ?

Answer. Yes, sir.

By Mr. BLAIR :

Question. I will ask about the men you know. You know Long ?

Answer. I never saw him before or since.

Question. You know he was sub-route agent at that time ?

Answer. Yes, sir.

Question. He was substitute for a young man who was sick at the time ?

Answer. Yes, sir. I don’t remember how he came out of the way.

Question. If you had left the place from any cause he might have been retained longer ?

Answer. He might have got the appointment on the Alabama and Chattanooga road, but that was on the Meridian road.

Question. You think it was likely that he was desirous of retaining the place ?

Answer. I think most any man would, a young man in particular.

Question. It is not at all improbable, then, that he conjured up this danger to you in order that he might retain it ?

Answer. Yes, sir. I think it was not at all doubtful that he heard pretty much what he stated. In the first place, how did he know my name ? In the second place, Hays here—I asked him the questions “ What did the people of Livingston have against me ? Did they know more about me than the citizens of Eutaw ? ” Says I, “ The citizens of Eutaw, the leading party, the popular class of Eutaw, the firm of Morgan & Jolly, or Jolly & Morgan, have advised me into this, and if others advise against me, I reckon I can get as many advisers for me as against me, and we will butt accounts.”

Question. Did you ever have any conversation with any of the people of Livingston upon this subject ?

Answer. Never in my life, except Mr. Harris.

Question. Mr. Harris was not opposed to your holding the place ?

Answer. Mr. Harris is a gentleman, and, I think, a friend of mine ; at least I am a particular friend of his.

Question. Did not Harris tell you if there was any such sentiment of hostility in the people of Livingston toward you he would let you know it ?

Answer. He did. He told me further that he could stop it.

Question. If there was any such thing ?

Answer. Yes, sir.

Question. Did he ever communicate to you afterward that there was any such feeling ?

Answer. I honestly did believe what he did tell me, and when I wrote to him—whether he ever received the letter or not I am unable to say ; I regret that I am not able to say, because if I was confident he got that letter (I believe he got it ; I acted upon it)—but if I had been certain that he got that letter I don’t know that I would have resigned ; but when I didn’t receive an answer, living only twenty miles from him—and I had directed straight to him ; and when Mr. Morgan advised me and told me he knew I was obnoxious below, which was down the road in that direction—these two points together fetched up all other things, and linked pretty well with me, and it does now, sir, and so it ever will be.

Question. You know Mr. Harris very well ?

Answer. I do, for a fact.

Question. You think he is well disposed toward you ?

Answer. Yes, sir ; and I say he is a gentleman, and a gentleman constitutes a heap.

Question. After he promised you that he would communicate with you if there was any danger, do you not believe he kept his word?

Answer. Yes, sir; and allow me—not to change the phrase in the least—allow me to say to you another thing: I went to a gentleman, who lives in my neighborhood, year before last, to go into partnership with him. He said, “Not so.” His reasons he didn’t give. But, sir, the other day he came to me—since I have come out in a card saying I never intend to support the republican party again—and says he: “I am truly sorry I didn’t go into partnership with you; it would have been \$10,000 in my pocket; but the democratic party didn’t allow it.” He made that statement not exceeding twenty days ago. “But,” says he, “I yet want you, and you must live with me next year.” He made the statement, “I went into the democratic party on good principles, and they wouldn’t tolerate it; but it would have been \$10,000 to my advantage.” He told me that the other day when he was gloriously drunk, and had just sense enough to tell me what he knew was the fact. So I just put it on the principle that my friend Mr. Harris might have treated me in the same way. It is possible.

Question. What business did you propose to go into?

Answer. Farming business.

Question. To make \$10,000?

Answer. That is what he stated. I didn’t go into particulars, and ask why it would be \$10,000 advantage, but he told me the democratic party would not tolerate it. He told me he wanted me next year. It must be because I came out in the little paper up here, or he wouldn’t have stated it. He was particularly friendly with me the other day, and all things apparently right, but before that he was very contrary.

Question. Do you believe you are able to make \$10,000 farming?

Answer. I couldn’t have done it, but may be he saw a place he could.

DEMOPOLIS, ALABAMA, *October 25, 1871.*

WILLIAM LEE (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Choctaw County.

Question. How long have you lived there?

Answer. I have been there four years.

Question. How far do you live from Desotoville?

Answer. Three miles.

Question. Have you had to leave Choctaw County, or do you live there now?

Answer. I left there.

Question. When did you leave there?

Answer. Two weeks this last gone Friday.

Question. You may proceed and tell the committee what happened to you on Monday, two weeks ago, in Choctaw county.

Answer. On Monday night sixteen men happened in my house to take my life, when I was three miles from home at the time. My wife was at home.

Question. Did she tell you that they had disguises on?

Answer. Yes, sir.

Question. Did she tell you that they were armed?

Answer. Yes, sir; all of them had double-barreled guns.

Question. What did she say they came there for; what did they tell her?

Answer. They came there after me, and asked for me the time they got in the door.

Question. Did they look for you?

Answer. They searched everywhere in the house, and under the house, and in the yard, and bushes about the yard, and up the chimney, and every place for me.

Question. What time of night was it?

Answer. About 11 o’clock.

Question. Was she in bed?

Answer. She and her daughter were all abed.

Question. Describe the clothes these men had on.

Answer. They had false faces on and knit caps.

Question. What kind of clothes?

Answer. She didn’t tell me.

Question. Did she know any of them?

Answer. She didn’t tell me.

Question. Did they come on horseback or on foot?

Answer. They were on foot when she saw them.

Question. What did this band of disguised men do after leaving your house?

Answer. They went to another man’s house about a hundred and fifty yards from my

house, and inquired for me there, and this man told them I wasn't there. They went back to my house and told my wife to go there and see if I was there. They went there and I wasn't there, and they took him out and killed him; they shot him twenty-seven times, and cut his throat from ear to ear.

Question. Did you see his body after he was dead?

Answer. No, sir; my wife saw it. I saw the coffin he was in.

Question. What was his name?

Answer. Lem Campbell.

Question. That was the man killed?

Answer. Yes, sir.

Question. Was he murdered at his own house?

Answer. He was taken off from his house about a hundred yards.

Question. By the same band that came for you?

Answer. Yes, sir.

Question. This was two weeks ago last Monday night?

Answer. Yes, sir.

Question. Do you know what Campbell's offense was, or what this crowd had against him?

Answer. When I was there on Wednesday, when they were going to his grave, I heard both black and white say they knew nothing amiss about him in the world.

Question. What did this crowd tell your wife in relation to your staying in that county?

Answer. They said if I staid in Choctaw County they would get me; that they had come to settle the country; it was not settled yet, and they meant to settle it before they quit; not to only get me, but to get all that were in there. That is what she said they said.

Question. Have you heard of any other colored men in that county being whipped or killed?

Answer. I have known of four or five being killed there this year. I know the names.

Question. Give the name of the first one?

Answer. The first one was Abe Lyon, to my knowing.

Question. The committee heard all about him yesterday; you need not tell his case.

Answer. The next was Mike Campbell.

Question. Was that the man you have just spoken of, who was shot?

Answer. No, sir.

Question. Give the particulars of his case; tell the committee when Michael Campbell was killed?

Answer. I can't tell you exactly; I just know he was killed this year, and not long ago.

Question. Did you know Mike Campbell?

Answer. I knew his name and where he lived.

Question. How far from you?

Answer. About seven miles from me.

Question. Did you hear whether he was killed by disguised men or not?

Answer. No, sir; he was killed by the same men.

Question. In the night?

Answer. In the night, between midnight and day.

Question. Shot?

Answer. Shot; I saw his wife and talked with her.

Question. Did she tell you the particulars?

Answer. She told me as near as she could recollect.

Question. Did they find him at his house?

Answer. They found him at his house asleep in bed with his wife; they took him out of his house and carried him off two hundred yards by the side of the big road.

Question. Did his wife know what he was shot for?

Answer. No; she didn't know.

Question. What were the other two cases?

Answer. The next one was Isham.

Question. What was his other name?

Answer. I don't know.

Question. A colored man?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Was it Isham Ezell?

Answer. I don't know his other name.

By the CHAIRMAN:

Question. Did you know him?

Answer. Yes, sir; he lived close by me.

Question. What time was it?

Answer. I can't tell you.

Question. Was it this year?

Answer. Yes, sir; not long since in this year.

Question. How was he killed?

Answer. The understanding I had was, he was taken out about one hundred yards and shot, and his throat cut; and they shot his wife through one of her legs twice.

Question. Was this by Ku-Klux?

Answer. Yes, sir.

Question. Did you understand how large the band of disguised men was that went to the house?

Answer. Sixteen every time.

Question. What was the next case?

Answer. That is four already, isn't it?

Question. Yes.

Answer. I think the next one was named John.

Question. Did you know him?

Answer. No, sir; he lived away down between Butler and Bladen, but it is in Choctaw County.

Question. Was he a married man?

Answer. I never understood whether he was or not.

Question. Was he shot this year too?

Answer. Yes, sir; he was shot this year too.

Question. Did you understand the particulars?

Answer. All of it has been done since March.

Question. How many men took him out and shot him?

Answer. There was sixteen.

Question. Was that in the night-time?

Answer. All of that was in the night-time, between midnight and day, or about 11 o'clock.

Question. Did you understand that in all these cases the men who did these murders were disguised?

Answer. No, sir; I never could understand that.

Question. But did you understand that the men who committed those murders were covered with those disguises?

Answer. Yes, sir; all of them had them on.

Question. Have you heard of any colored people being whipped in Choctaw County?

Answer. Yes, sir; I have heard of them being whipped.

Question. Often, or only a few cases?

Answer. Well, about fifteen or twenty.

Question. Did you understand what they were whipped about?

Answer. No, sir.

Question. Are you afraid to go back there to live?

Answer. Yes, sir; I can't go back there.

By Mr. BUCKLEY:

Question. Do you know where Mike Campbell's wife is?

Answer. Yes, sir; I know the very spot.

Question. Where?

Answer. At the old Campbell place, right down where the two creeks come together; Tickabum Creek and Clark Creek come together there.

Question. Where is Isham's wife?

Answer. I don't know exactly where she lived; I have been by the place; I could go to it.

Question. She is still in Choctaw?

Answer. I think she is in Choctaw, except she moved lately.

By the CHAIRMAN:

Question. Have you heard of any school-houses being burned down there?

Answer. No, sir; there is very little school goes on about there.

By Mr. BUCKLEY:

Question. Whose wife was it that was shot?

Answer. Isham's. She had two shots in one leg. She has had to walk on crutches.

Question. She is living down there now?

Answer. Yes, sir.

By Mr. BLAIR:

Question. You say your name is William Lee?

Answer. Yes, sir; I used to belong to James M. Lee.

Question. You say these men were invariably sixteen men in this crowd?

Answer. Yes, sir; every time I could learn anything from them they were sixteen.

Question. Do you know who any of them were?

Answer. No, sir; I never saw them; my wife saw them, and her daughter. I wasn't there.

Question. Did she say whether she knew any of them or not?

Answer. She never told me.

Question. Did you ask her?

Answer. Yes, sir; I asked her, but she never told me, only to say what she thought, but thinking isn't anything.

Question. What did they want to kill you for?

Answer. I don't know, sir.

Question. Did you have any dispute with anybody there?

Answer. No dispute, no fuss, no trouble, picked up nothing, attended to no one else; no just cause can be brought against me by white or black.

Question. Where does your old master, Lee, live?

Answer. James M. Lee—he lives up on the Selma Railroad, away up.

Question. Whereabouts?

Answer. He lives about twelve miles from Demopolis here on the road.

By Mr. BUCKLEY:

Question. In Sumter County?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Have you no idea what the white people came to your house for?

Answer. No, sir; I have no idea what any one of them came there for.

Question. And these other men, do you know what they killed them for?

Answer. No, sir; I never learned anything that they ever did.

Question. Anything that it was said they had done?

Answer. No, sir; I never could learn anything they said they had done.

Question. Abe Lyon was pretty well off, was he not?

Answer. He was a right smart man—a good liver and hard-worker, and had right smart.

Question. Had a good trade?

Answer. No, sir; I have no idea what any one I know.

Question. Was doing very well?

Answer. Yes, sir. He worked in a public shop.

Question. Was it supposed that he had accumulated some little money?

Answer. I don't know.

Question. Was that the impression?

Answer. I never learned, sir.

Question. Was there any idea that he was killed for his money?

Answer. No, sir.

Question. Have you never heard that said by anybody?

Answer. No, sir; I never heard that said by anybody.

Question. Have you ever talked with his widow, who is here now?

Answer. Yes, sir. I staid very close to her last night. I have been knowing her now for two years—lived near her.

Question. Did she tell you Abe had a large sum of money at the time?

Answer. No, sir.

Question. Did she tell you they had some \$600 there that he had in a box?

Answer. No, sir.

Question. She never told you that?

Answer. No, sir.

Question. She told the committee yesterday that her husband had about that sum of money, and they had counted it out between them a day or two previous. Now if that was known around there, do you suppose it possible that he might have been killed for his money?

Answer. If it was known, no doubt. I know he worked in that public shop, and did a great deal of work for Daniel McCall and Mr. Hessey, and they paid him a good deal of money. Mr. Hessey paid him a hundred dollars in cash. I heard that the two men paid him \$300 since Christmas of this year.

Question. Was not that known around there?

Answer. I don't know. I suppose no one knew it except the white people; they knew it.

Question. Did not you know it?

Answer. No, sir. That is just what I heard.

Question. You heard of it at the time?

Answer. Yes, sir; I heard it. I never heard that was what he was killed for, but I heard he had that much money paid to him.

Question. Did you not hear that the money was taken?

Answer. No, sir; I never heard anything about the money being taken.

Question. Did not his wife say it?

Answer. I never saw his wife until yesterday evening.

Question. She stated here that she never could find the money.

Answer. They went into her house, and went through everything; I heard that.

Question. That they searched?

Answer. Yes, sir; that they rolled over everything, and went in everything.

Question. Did not that look as if they went there for the purpose of plundering him and getting his money?

Answer. Yes, sir; it looks so.

Question. And inasmuch as there is no other cause assigned for this crime, would not you have supposed that that was what it was, if they had hunted for this money and got it?

Answer. It must have been that way; I don't see any way.

Question. Who was this man Ezell, or Isham; what did he do?

Answer. I never learned anything he ever done.

Question. You never heard any complaint against him of any kind?

Answer. No, sir.

Question. Was he a pretty well-to-do black man?

Answer. No, sir; not very well.

Question. This man John—you knew him?

Answer. No, sir; I never knew him; neither his name nor his way of life. I just heard of his name—of such a man as that; that is all.

Question. Do you not think it is likely, inasmuch as they killed Abe Lyon in that way and robbed him of his money, that this band, which seems to be composed of the same men, or about the same number of men, were doing these things for the purpose of robbing the people?

Answer. Yes, sir; I think it is the same men doing it all the time.

Question. You think it is by the same men?

Answer. Yes, sir.

Question. Is it not likely, if they robbed Abe Lyon, as there is no motive assigned for their attack on these black people, that their object was the same?

Answer. No, sir; for they never searched any one else's house that they killed, as I could learn, because, when they killed Lem Campbell, they never went back to his house at all no more after they carried him out; so my wife said.

Question. Did they search your house?

Answer. Yes, sir; but it was for me; that is all the searching they did there.

Question. Did they take anything out of your house?

Answer. No, sir; they didn't take anything at all.

By the CHAIRMAN:

Question. Was it generally supposed that the men who killed Abe Lyon were white men?

Answer. Yes, sir; I expect they were white men. As far as I could learn, they were white men. I think I heard that they believed there was black men with them, as far as four.

Question. Four black men?

Answer. But I never could learn any names.

Question. You say it was the supposition that it was the same band which committed those other murders?

Answer. Yes, sir.

Question. Always the same number—sixteen?

Answer. Yes, sir.

Question. How far apart were those murders committed?

Answer. In the same settlement.

Question. In the same month?

Answer. No, sir; in three or four months.

Question. Was anything ever done that these men should commit those murders?

Answer. No, sir; not a thing.

Question. Did the officers ever attempt to make any arrests, or make any stir about it, to try to find out who it was?

Answer. No, sir; no further. When they said they were going to have a jury or inquest, they never held no jury, because nobody never touched them, except to get them together, and write it in a book, and then throw it away like chips at the door, and that was the end of it. They never did anything more than that. They had a book to read, and said they were holding inquest over them, talking to all of them to know, and setting it down; and after that it was all thrown away. The juries always would touch them. I have seen that done, but they never did nothing.

DEMOPOLIS, ALABAMA, *October 25, 1871.*

PEARSON J. GLOVER sworn and examined.

By the CHAIRMAN :

Question. State to the committee your place of residence and your occupation ?*Answer.* Twelve miles from Demopolis, on the Demopolis and Dayton road, Marengo County. Planter.*Question.* Are you a native of the State of Alabama ?*Answer.* I was born within three miles of Demopolis. For nine years I was a non-resident of the State, in Connecticut and Virginia.*Question.* The committee have subpoenaed you, Mr. Glover, for the purpose of obtaining any information you may have of a visitation, by disguised men, to your plantation, and to learn their purposes, and what they accomplished ?*Answer.* Well, sir, I think it was in January or February last, I employed a gentleman by the name of Neibling as school trustee of township seventeen, to teach the children of the freedmen of the south end of that township. After his employment everything went on pleasantly and agreeably. He did not interfere with the labor system anywhere, although there were rumors and reports of his interference with the matrimonial relations of some negroes. That I know nothing about, and I believe it to be untrue. There was a rumor started by the negroes themselves, sir, as far as I have since been able to learn.*Question.* A rumor of his matrimonial negotiations ?*Answer.* Of his negotiations with matrimonial parties on the female side, sir. In other words, he was something on the Don Juan order, as it was said, but that I do not believe from what I can understand myself. The point is, he came representing himself to be a democrat, believing that political opinion was as free in our country as others, and that the negroes had a right, if they were disposed to do so, to act for themselves, but that their true interests lay with the southern people, provided the southern people did nothing inimical to them as a race. I went to Dayton and was absent five days attending to business. During my absence there was a party of ten men, as Mr. Neibling represents to me, and also Mr. Johnson, who is summoned here to-day, came to my house and forced an entrance, and told Mr. Johnson, who was an old United States soldier for five years at one time, that their business was not with him, but it was with Mr. Neibling. They took Mr. Neibling out—this I cannot state as evidence, for I am not personally cognizant of the matter. It is simply what they narrated to me when I came back.

By Mr. BUCKLEY :

Question. Is it information that you deem reliable ?*Answer.* I deem it to be reliable ; that they took him out and whipped him.

By the CHAIRMAN :

Question. Did you understand how severely they whipped him ?*Answer.* Well, sir, there was one party who whipped him very severely ; the others struck him lightly. He stated that each of the party struck him fifteen lashes, but that none of them hurt him except one man, and that one hurt him very badly.*Question.* You stated the number of men at what ?*Answer.* At ten. One, however, held the horses, and only nine acted—or eight—while they were with him. I have forgotten as to that. As a freeholder I felt the indignity of their coming to my house, without permission, and whipping him. I believed that I, as a freeholder, had the right to defend it. I believe, perhaps, it is the only right I now possess independent of the law or Congress, or anything else. I therefore took it as an indignity to myself, and I issued a notice to the people of Marengo County, or to these ten men especially, that I was at home, and that I had shipped my family, my children, from home, and if they would come they would not run the chance of finding them there, and possibly killing my wife by a visit from such fellows, and the fright which was consequent upon it ; that I would stay at home and keep her away for two months, and they were welcome to come back. They threatened to come back in five days, as I was informed by Mr. Neibling, if he did not leave. I had found him a good scribe, pleasant and gentlemanly in demeanor. I took him there and asked him to post my plantation accounts, and he was doing that, and while he was at my house and thus employed this matter occurred. On my return I issued this statement to these ten men, addressing it to them personally, saying that I would keep him at my house ; that he should not leave the country ; and that I would kill any man who came there to molest him.*Question.* Did you cause that to be published in the newspaper ?*Answer.* I have the original in my pocket now. The publication is on file in the Demopolis paper, and also in the Linden paper. Copies went to the Selma paper. The editor being an old college mate of mine, published it voluntarily.*Question.* You say you have the original draught of it here ?

Answer. Yes, sir. That was modified to a great extent, because, being in a great passion at the time I draughted it—for I wrote the original draught, as he was a foreigner; he was a good scribe, but so far as grammar or the little accomplishments of criticism were concerned, I thought it best to draught it for him, knowing it contained his sentiments to the letter. Besides that, I took a personal interest in the matter. He signed it, indorsing it in full as expressing his sentiments.

Question. Was your house ever visited again by these men?

Answer. He left here. They wrote me a letter stating that if I did not take back what I had said in the paper they would give me a visitation of the same kind.

Question. Who wrote you such a letter?

Answer. I have no idea.

Question. How was it signed?

Answer. It was signed blank. There was no signature.

Question. Was there any insignia or device on the letter?

Answer. As I remember it there was not. It was simply a notice to me to take back what I had said in the paper against these ten men, and asserting that they were gentlemen. They had been in my bed-room and had spit all over it. I referred to that fact in the publication. I had made it personal to them, describing them and their conduct; that they had taken this step under cover of the so-called Ku-Klux excitement; that it was done so as to steal my mules, and to be an excuse for every style of outlawry or anything else of that order. They stated that if I did not take back this they would deal with me. I simply went to Linden, the county-seat, and stuck up a notice that they might go to hell, damn them.

Question. Were these men who visited your house when the teacher was whipped said to have been disguised?

Answer. Mr. Johnson can give you a description of the style they came in better than I. It is simply a surmise on my part.

Question. I understand you to say your information is of such a character that you believe the facts which you state to be true?

Answer. I do.

Question. Is it your information that these ten men who whipped Mr. Neibling came there disguised?

Answer. It is.

Question. Is it your information that the horses were disguised?

Answer. No, sir; for the simple reason that I had a personal difficulty with one man who rode a roan horse. I went to his house and told him to come out; and I told him I thought he was the only man in the neighborhood that had a roan horse. I was so informed, but found that I was mistaken. I was informed that Mr. Neibling was put behind him when carried into the woods, and I came down there for the especial purpose of giving him a damned good whipping—that was my remark to him—if he would give me a fair show, and not take advantage of his freeholder rights; and if he was not satisfied with that, to meet me here as a gentleman. I had reason to regret that, because I learned afterward that the man was sick and in bed at the time, and had no roan horse. But the hairs on his breeches or pants were from a roan horse.

Question. On Neibling's pants?

Answer. Yes, sir; and therefore I knew it was a roan horse which he had ridden; but these things are hearsay.

Question. What has become of Mr. Neibling?

Answer. He returned home, at the solicitation of his mother.

Question. Did he continue teaching his school after this whipping?

Answer. He continued until July—this thing happened in April—under my protection, and was staying at my house.

Question. Is it your opinion that he owes his immunity from further punishment to the protection you exercised?

Answer. I think he owed it to the public sentiment, which thoroughly, on the part of all men, reprobated the action of these ten men, and indorsed me in the position I took relative to the affair.

By Mr. BUCKLEY:

Question. There was a good deal of excitement at the time?

Answer. No, sir; no particular excitement at the time, that I remember.

Question. You felt that you had the strong, hearty support of the better sentiment of the community in your efforts to protect the man?

Answer. This is exactly what I found; that there is a principle of outlawry, a feeling predominant in a certain class in every community in favor of violence and stirring up all the elements of strife, knowing that they are the sediment, and that the sediment, when disturbed, may come to the top. Under that principle, it is my deliberate opinion that these men were persons who represent only a horse, and probably a double-barreled shot-gun and a pistol, in this country—men who could pick up and get away from here and leave nothing behind them of their own. I found that I was right, be-

cause all the men who were interested in the country, or who had landed interests here, which they could not leave behind at short notice, because our matters here are in such a state that a man finds great difficulty in selling his land without long delay and great trouble in finding a purchaser—a man cannot leave at short notice now; it is impossible, if he has large interests—I found that the style of men who had a stake in the country driven in their own land, thoroughly indorsed me in every respect, shape, and form, and I lost no popularity. I do not know that I lost it even with the other class, for this reason, if you want my sentiments: that class of people are never ruled by mind or reason, but by brute force alone, and found what I intended to do, and that they would encounter danger, and that I had the indorsement of the people, and the act of indorsement, because thirty or forty men offered to come to my house and defend me and mine—the young men of this town, whom I can mention, and give reference by name to them. At first I felt bitterly, for I felt that the southern country was not the place to live, if that was the course to be pursued in the private room of a gentleman's house, in his wife's room. I had no shutters to it at that time. I had bought the house only a year or two previous, and had no way of fastening the windows; and I had requested Mr. Johnson and Mr. Neibling to stay in my house, instead of staying in their own out rooms, to protect it during my absence. Then while I was gone this matter transpired. When I came home, I did not have the heart to turn the young man out—he was not more than nineteen years old—and place him at their mercy, and I determined to protect him, if necessary, with my life; and I did so. I think now it was probably a prudent step on my part.

By the CHAIRMAN :

Question. Have you ever ascertained the names of any of the parties concerned in that outrage?

Answer. I heard a thousand and one rumors, sir, in this connection, but I have never got to the bottom of it yet. The only information I could arrive at accurately was in reference to a party who, when I charged him with it, offered any sort of explanation, and denied emphatically that he was at my house; still, I believe he was there. That party was killed by a friend of mine at Linden some three or four months ago; and this Mr. Burney, who killed him, is a fugitive from justice now.

Question. How far is your plantation from Linden?

Answer. Seven miles and a half. The party I think I have reason to believe was there from the letter. It was in his handwriting, I think, and parties have told me that he was there. I paid no attention to it.

Question. Is that the man who was killed?

Answer. Yes, sir; his name was something like Marschalk.

Question. What occupation did he follow?

Answer. He was in town here and had something to do on a newspaper; I think he was an associate editor of a newspaper at Linden.

Question. A democratic paper?

Answer. Well, sir, it is hard work to tell what he was.

Question. But I ask you as to the politics of the newspaper?

Answer. Democratic at the time this thing happened. Still, at the same time, he was in full sympathy with the republican office-holders of the county; he had the public printing of the county, as given out by them.

By Mr. BLAIR :

Question. Do you believe these men were white men?

Answer. I do, sir.

Question. You stated that the negroes got out a rumor that Neibling was encroaching upon their marital rights?

Answer. Yes, sir; they got that out, and they got out the rumor that this thing was done on that account.

Question. The negroes did?

Answer. Yes, sir.

Question. Did they believe it was done on that account?

Answer. A great many did, and others did not. Some people thought it was done by white men, for what reason, they did not know; but the negroes at the time were opposed to this gentleman, except the negroes on my plantation. My negroes had never been in discord with myself, for this reason: I never had professed to be anything at all, except in favor of a fair administration of the laws and a just construction of them; that I believed the true representative element of the country was financial, as well as otherwise, in the way of brains; that I was willing to do them justice; that if the United States established any law, I was willing to carry it out, and that all I wanted them to do was fairly and squarely to carry out their contracts with me and other men. I did on one occasion take action against them, and advised against them, for this reason: they run a railroad within fifteen miles of the corner of the county, and asked the county to appropriate a hundred and fifty thousand dollars to that

especial railroad. Parties here were bought up, who advised them to vote for it, and they did vote for it, and saddled the county with the tax.

Question. Who advised them to vote for it?

Answer. William Burleigh Jones, the so-called senator of the State of Alabama.

Question. He was active in getting them to vote for that tax?

Answer. Yes, sir, and I advised against it. Again, I advised them not to place the court-house at Linden, for the simple reason that it cut off the negro element. I was guided by self-interest, to be candid, in choosing between that place and this section of the county, representing the wealth or finances of the country, if not representing the white population, but it represented a large majority of the population of the county, negroes and whites, in the aggregate. There were large streams, dangerous to cross, without bridges. These bridges our county commissioners have found it impossible to construct without a tremendous outlay of money. I advised them not to place the court-house at Linden, but to leave it here. Mr. Jones went to them and urged them to vote for it. It is said that he received a large sum of money. He said himself that he had it. He said that right here in Demopolis that he had got the best of the Linden party. Now, gentlemen, I am not prejudiced against any man. I have in my employ a soldier of the United States Government, whom I have had for four or five years. I have every confidence in him, and treat him as a member of my own family, although he is but an humble working-man. He fought well, and got his discharge in this place. No Northern man can say I have not been friendly to him, if he was honest. But there have been some among us who were different. There have been politicians amongst us, who, in holding positions, did not abuse them—candor compelled me to state the fact—amongst whom was one of your compeers in Congress, Major Pierce, a devoted personal friend of mine, as he himself will state. We were opposed in politics although it was the distinction of tweedle-dum and tweedle-dee—new departure and republicanism. There is a decided distinction following that, though, gentlemen, for republicanism goes further; it indorses certain parties who came amongst us here and mixed the elements of discord, whereas we wanted to be loyal. I know that I want to, and other people do. I have indorsed this doctrine and proclaimed it publicly, as a thousand can verify in this county, that this is the best Government we ever had; that we had committed a mistake in point of expediency; that we ought to receive this Government, to act for it, and, if necessary, fight for it; that it was the best Government we had; that we could live in peace under it, and could not under any organization or government of our own, for we had tested that matter by a five years' war; that I moved that we take it and receive it in good-faith, living under its laws and executing them where they were fair and just, and where they were unjust take legal remedies; nothing else.

By Mr. BUCKLEY:

Question. This question of the location of the court-house has been a troublesome one for years?

Answer. Yes, sir.

Question. It has been moving backwards and forwards?

Answer. No, sir; not before; only since the war. Some fifteen or twenty years ago there was a question about it. That was when I was a boy, and I was absent at the time. I believe I was at New Haven at that time at school. The question was then agitated between Dayton and Linden; since then it has been between Dayton, and Linden, and this place. They had it removed by legislative action to this point; they removed it twice. The second action was barely by a second legislative action. The third time it was left to the people and decided that it should be carried back to Linden, and it was carried back to Linden.

By Mr. BLAIR:

Question. You say Jones received money for his vote to carry it back?

Answer. He so stated. Negroes have informed me that he told them that he had got the best of those Linden parties, in a recent riot that occurred, which riot I know nothing at all about, as I always stay away from such things.

Question. This young man who was teaching school at your place was a democrat?

Answer. Yes, sir. I have his statement, under his own signature, to that effect, in my overcoat pocket now. He published it or brought here. I carried it to Linden myself.

Question. What did they tell him they whipped him for; what was he whipped for?

Answer. God knows. There is a great jealousy amongst the lower classes against the negro. They go into the negro-quarters and enveigle the negroes off with these blandishments, and I think they thought my taking him there and my keeping him was simply a move to get labor—to influence labor; and whereas they did not interfere with my negroes in the slightest, or any other party on my plantation, they effected a forcible entrance into my yard and house, and took him out. I think it was to scare him out of the country.

Question. You think the cause of it was jealousy against you for obtaining labor by furnishing school facilities for the negroes on the place?

Answer. Yes, sir, I do. There is a bottom dividing the cane-brake section from the section below me. I hold that bottom myself—sixteen hundred acres—a long strip, three-quarters of a mile wide; on the other side is the cane-brake, or Egypt of this section of country. The corn and cotton producing sections extend into Dallas and part of it into Greene. Below me is a sandy, thin section, with smaller plantations. When I bought this plantation it had been rented for years, and they had drawn away a great part of the labor. When I got to working it I drew back a great part of the labor, and I think this matter was personal to me as much as anything else. That is my candid opinion about it. Since I have looked into it, I think it was jealousy of that description. In every section of the country there is an element of population that is jealous of any man that seems to be thrifty or energetic and endeavoring to get ahead—a man that succeeds in it.

Question. As I understand, you sought to accomodate yourself to the present condition of affairs?

Answer. I have been as thoroughly reconstructed as any man in the country.

Question. And you sought, in the best mode you knew of, to obtain and retain the labor which was necessary for the cultivation of your place?

Answer. I did, sir.

Question. And in doing so, you believe you have offended certain others; probably those from whom this labor was taken?

Answer. Yes, sir.

Question. And that was the cause of the punishment inflicted upon this young man?

Answer. Yes, sir; that was the great cause of it, I think, sir.

Question. Did it go so far as to exhibit hostility to teaching the negroes; the mere fact of teaching the negroes?

Answer. Well, I do not know that it did. I heard some rumors there of some hostility to the fact of his staying in the house with a negro before I took him in my house; but I did not think he did, because it was ascertained that he did not stay in the house with a negro. He simply kept house and employed a negro to do his cooking. There was no social equality between them at all. He simply used the negro as I do—as a servant. The young man's own statement, under his own signature, is here in my pocket. I brought it over with me. I thought probably I was summoned here in reference to this matter, and I went up to the office of this newspaper across here; I have forgotten its name now.

MR. BLAIR. The Exponent.

THE WITNESS. The Exponent; and procured the original, as it was handed in by Mr. Neibling to the gentleman.

MR. BLAIR. If you have that, you may just incorporate it in your testimony.

THE CHAIRMAN. I would like to hear it read. Is it long?

THE WITNESS. No, sir; it was cut down. The original paper was very materially cut down, because I was, when I wrote it, very angry. A man who is angry does not look much to the elegancies and proprieties of speech in his publications. I will read it:

"To the citizens of Marengo County:

"On Sunday night, the 30th of April, about 12 o'clock, I was aroused from my sleep by a man in disguise shaking me by the shoulder. On awakening I saw several more men in disguise in the room. They commanded me to get up and dress, and I did so. After dressing they disarmed me, took me out, put me on a horse, carried me to the woods, three-quarters of a mile from the house, and there, after stripping me of my clothing, whipped me. There were ten men, and they each struck me fifteen lashes. After this they told me to dress, and their leader, I think, led me apart and gave me this warning: 'We will give you five days to leave the country, and if you don't, it will be the worst for you next time.' I then requested him to return my pistols. He answered me and said, 'Never mind your pistols; but you leave the country in five days.' They then turned their horses around and left me alone in the woods.

"Six months ago I came to this county and State. Before that time I was completing my course of commercial study or education at Poughkeepsie, New York. There I met and became intimate with several southern students, who assured me that there was no better field for good business ability than the South. Also, during my whole life I was brought up and rocked in the cradle of democracy by democratic parents, and under their teachings finally believed that any man who came South, and by a course of honest endeavor, not attempting to foist himself upon a people wholly strangers to him or his antecedents as an office-holder, or even as a political adviser, would do well and live as safely as in the heart of the West or North. Six months ago, I repeat, I came here, got out of money and could get no employment except that of teacher of a free colored school. I took that position then as a matter of necessity, and if any man since

my arrival can show that I have ever had anything to do with politics except when asked, and then to quietly and firmly announce myself democratic, at least in principle—for I am not yet old enough to vote—or if any man can show that I have ever given one word of advice to the negroes that would array them against their employers, or the southern people politically, then I pledge my word as a man and gentleman to leave the country that moment. And whereas, as my conscience wholly acquits me of any wrong-doing, I do not intend leaving until such a statement is made and corroborated, I will stay, if it is for no other reason than to show the right-minded element of this country that I am not a dog, or worthy of a dog's treatment. Again I will state that I am well aware that the United States Government has passed certain sweeping and partisan laws, under which I could make the large majority, composing the innocent and law-abiding element of this county, suffer along with the few thieves and assassins who rove its limits by night, and under cover of its darkness perpetrate acts which their cowardly hearts would shrink from in the broad light of day, and in the face of their fellow-men. Knowing these facts, and knowing too that such acts, as perpetrated by the ten devils referred to, and to their abettors, would embroil a whole county innocent of wrong, and, if a statement was sent to Washington, would be a sweet morsel to the radicals North, and would be magnified a hundred fold for party purposes, and would be one additional argument or pretext to put the heel of military power upon an already prostrated people, and to crush out anything like freedom of elections; knowing these facts, and also knowing that parties committing these outrages are not true representative people of the Southern States, but are true representatives of that class of men to be found North, East, West and South, who, amid any excitement, political or not, in a community or section, perpetrate acts under cover of that excitement or prejudice as a blind to horse-thieving, midnight assassination, and all manner of crime—I am well aware that the great mass of the people South, composing its education, its wealth, its social standing—those who have an interest in the prosperity of their State; who have property to be preserved by law and order; who have liberties to protect; who have rights to cherish, are the last men on earth, unless they are fools, to give sanction to acts of violence of this kind—to such men I here state that I do not attribute to the whole county the acts of a few bad men, and that I will not take action against the whole county, nor will I encourage any one to seize hold of this casual or incidental outrage to blacken a whole community, or misrepresent a whole State. By this I will state, that I will pursue to the bitter end of the law any one of the perpetrators of the shame inflicted on me, or if they give me a man's chance, *will drop all law* against them, and will settle the matter with them "man to man and foot to foot." Again I will here publicly state that I still firmly believe that there is no Ku-Klux organization in this county; but that under cover of its supposed existence, a few irresponsible and bad men, reckless of the safety of their fellow-citizens, perpetrate their misdeeds, and will in the end raise their hands, unless checked, against any man, be he southern or northern, whom they have a grudge toward, or on whom they can deprecate.

"W. T. NEIBLING."

By the CHAIRMAN:

Question. I would like, in this connection, to ask you, since you have said that Mr. Neibling was a young man of nineteen, whether that elaborate composition, which evinces considerable maturity of thought, and some elegance of expression—certainly emanated from Mr. Neibling—whether it was really his composition?

Answer. Mr. Neibling, sir, told me his sentiments; he gave me a rough draught, which I have at home. This paper incorporates every word of it, and he signed this. He copied it as I dictated the language. I did not write it; I dictated it. I asked him at the end of every sentence if that suited him.

Question. To whom does the structure of the sentences belong, to him or to you?

Answer. It belongs to me.

By Mr. BLAIR:

Question. Major Glover, will you give me your view of the origin of these troubles in this State and county?

Answer. Well, sir, the county of Marengo has been remarkably quiet. Men belonging to the United States Army have settled here and been free from persecution and trouble, limiting themselves to a legitimate line of business, even if they styled the political field a legitimate line of business; as long as they confined themselves strictly to politics, have never been troubled; and I, for one, am ready to protect any man that comes to my house, after the most extravagant republican speech that can be made by him within our limits. I know plenty of other men who will do the same thing; provided the man is a gentleman and worthy to come into my house, I would receive him on social grounds, outside of politics.

Question. Has there not been a class of men engaged in politics in this State and county who have sought to array one class of people against the other?

Answer. There is no doubt about that, sir. They have tried to do it in this way. I take this position, and I really am getting so I am fretted at the negroes, and losing all kindness of feeling toward them for this reason. All the amendments to the Constitution, guaranteeing him protection, I have been ready to grant him in good faith. If I had an objection to it I should not do anything but enter a legal protest against it, however it might operate against me. I was willing to do that, and protect the negroes in their schools. There is my challenge to the county of Marengo. I have the original here that I obtained this morning from the newspaper office, addressed to the ten men who came to my house on Sunday night, the 20th of April.

[At 2 o'clock the committee took a recess of one hour for dinner. Upon re-assembling the examination of Pearson J. Glover was resumed.]

By Mr. BLAIR:

Question. At the close of the session, before we took a recess, you were about reading the paper which you published?

Answer. Yes, sir. After I left here I went around to the Demopolis paper, and discovered that my communication was cut down. In the Linden paper it was given correctly, except the typographical errors. I had a difficulty with Mr. Marschalk, the editor of the paper, the day I got him to publish it. I charged him with having led the party. He denied it by everything holy and righteous. I compelled him to publish this card, and in addition to publishing it he gave a criticism on it, which made me doubt at the time whether he was there; but, from what I can learn since, he was the leader of the party, and the only spokesman of the party. He was a great rowdy, and a man of very little respectability—a drunken, rowdy character. He raised one or two rows here in Demopolis. Here [exhibiting a paper] is the card as I originally published it in the Marengo Journal, Linden, of the 13th of May, 1871, or as I signed it, and sent it in. It was published in the Demopolis paper, which was different from the Marengo County paper, in which it follows Neibling's paper in the same column in which that appeared. Do you wish it read?

Mr. BLAIR. Yes, sir.

THE WITNESS. I will read the manuscript:

"To the ten men who came to my house on Sunday night, the 30th of April, and perpetrated the above outrage, I have to say, I denounce you as cowards and outlaws, and dare you, *as such*, to repeat your visit. You came to my house, and, by accident, my wife and self were absent. By such an accident my wife's life was probably thus saved; for had she been at home, in her present feeble state of health, she would have died from excitement and fright. For this reason, *first and foremost*, I will state, that if I catch you on my premises hereafter, I will shoot you down, and will consider myself guiltless in doing so.

"I will again do this, because your coming to my house as you did was an insult to me as a southern man and gentleman, inasmuch as it is a charge, by implication, that I would have in my house, and in my employ, one worthy the treatment of a dog, and dangerous to the peace and happiness of my neighbors and fellow-citizens. In opposition to this, I will state that nearly five months ago, as school trustee of township No. 17, I employed Mr. Neibling to teach the colored school on my place. As a consequence, and in my own interest, I closely observed Mr. N., and found that he had nothing to do with anybody's business but his own; that he condemned that system of government which places strangers over us as rulers; that he stated even to the negroes that the South had enough good men of her own to rule herself; that it was to their interest to move in harmony with the people among whom they lived and got their bread.

"Again I will state that shortly after I employed him, Mr. Mattingly, then the county superintendent of education, sent him two or three hundred republican tickets for him to distribute before the contest took place between said Mattingly and Mr. Ellis. Mr. M. also wrote him to electioneer for him and to attend the Dayton box the day of the election, and hold the same if the officers appointed failed to do so. Mr. Neibling declined having anything to do with the matter, as he did not consider that his duty as a teacher called on him to do so, and also stated to Mr. M. that he did not indorse the principles of the republican party. The consequence was that the election at Dayton went by default, and not a single one of my hands on that day attended the election.

"Again, as I employed him some two weeks since to post my plantation accounts, then believing that I was not encouraging a bad man, I am *not* to be scared into the opinion *now*, and therefore will protect him as long as he breaks my bread any eats my salt, and will also defend my house and home from forcible entry and illegal assault.

"P. J. GLOVER."

THE WITNESS. Here is the first publication of it, as it was given in the Marengo paper, which was much stronger and more insulting, and in which I denounced them as curs and everything else. I published this two days after the thing occurred, and for-

got the proprieties that should be used in going into public print, and therefore called things by their names.

By Mr. BUCKLEY :

Question. Which do you prefer should go in your testimony as printed ?

Answer. I prefer that the one I have read should go in, for this other is hardly a gentlemanly document. I just state here in the card as published in the newspaper :

"I again dare you ten men, like a parcel of cowardly hounds, to repeat your visit while I am at home and my wife is absent, and I will most especially promise the pup who spit on the floor of my wife's room that I will give him something besides tobacco to chew and spit. I refer to the companion and coadjutor of yours, called by you 'No. 2,' who, I doubt not, possesses a rotten enough carcass already, but still would make a beautiful corpse, when buried in the same winding-sheet in which he was disguised, with the dirty waters of the 'Bogue' to wash his last resting-place, and sing him a fitting requiem."

You can judge of the style of it from that.

By Mr. BLAIR :

Question. Will you now give to the committee what, in your judgment, was the origin of the bad feeling existing in this community between the freedmen and their former owners ?

Answer. Well, sir, when freedom to the negro first took place, there were parties came among us here, men without respectability, socially or otherwise, who, by every means in their power, tried to get hold of the political management of the negro, and to so manage him that it would be to their own personal interest by electing them to office and keeping them there. Other men came here preaching republican doctrines; they were ardent republicans, and I believe they were honest toward both black and white; they were opposed in political sentiment to the great body of our white population. They remained here and would have remained here until to-day. For instance, I will mention Mr. Burton and other parties, who, finding it was dog eat dog, that they were turned upon by their kind, refused to indorse the violent and extreme views of the others. For instance, Jones came out into the court-house, as Judge O'Connor can certify, and also Major Hays, the present member of Congress, and cursed all parties, Mr. Burton, and every member of the republican party, and told the negroes to beware of them. They were excited to such an extent that they took sticks and drew them over their heads, and drew pistols, and did everything of the kind. This excitement was raised to place them in opposition to those men whom I conceded to be honest, and with whom the people of Marengo County never interfered at all. These men, owing to the political prejudices and this antagonism which this man Jones raised against them, left this country. They were personal friends of mine, although differing from me in politics. Burton is a brother-in-law of Major Pierce, who was the custom-house officer afterward in Mobile. They all left here and thus left the field open to Mr. Jones. That was the first part of the excitement. A good many have advised the negroes to be quiet, and assured them that Jones was not a man to be believed; that these three gentlemen were much more honest and candid, and while they gave them advice upon political subjects, did not excite them against the white people, or against their own interests. Here is this man Durene. I never heard of his doing anything at all inimical to the interests of our people here, although he is a republican; and I have never heard anything against Judge O'Connor. I never heard anything, either, against Burton, and yet he was the staunchest republican by all odds. He was a man, too, of considerable talent, although he had no oratorical ability. Bill Jones got that up, and it nearly culminated in a row. Pistols were drawn and these men were threatened in that manner.

By the CHAIRMAN :

Question. What year was that ?

Answer. The year that Hays run for Congress.

By Mr. BUCKLEY :

Question. Was it in 1870 or 1869 ?

Answer. I think it was in 1870, sir. That feeling got up the uttermost confusion around among them. They left here. Burton himself told me that he left here because there was no political sympathy between him and the southern people, but outside of that he had several friends. Bill Jones was vilifying him. He said that he was tired of the negroes; that they had no gratitude toward him; that a man who catered to their passions and prejudices would be more popular with them, and he had determined that he would quit. He did leave. That left Mr. Drake here, but he got into trouble in Linden, the nature of which I never thoroughly understood. Before that I believed he had tried to discharge his duty, and probably was honest enough. From the evidence, I have been forced to believe that he was not honest. That is a

matter to go before the courts, however; I know nothing about it except from hearsay. Then he commenced issuing cards and went around and announced himself as a candidate for governor of Alabama.

By Mr. BLAIR :

Question. Who did this?

Answer. Bill Jones. He went over to the convention. He first started to become Congressman against Hays, but he found that he lacked strength, and gave that up, and they affiliated—I do not think with real good feeling, but so far as to bury the hatchet; they let each other alone. Jones found it was policy in him to do so. Then he announced himself as candidate for governor; put his name out in the paper here in Demopolis as a candidate; he tried to arouse the negroes to indorse him. He wrote a letter—I think his letter is still in existence—declaring that he did not believe in any white man; that these fellows should not hold the offices; that they ought to select a negro to every office through the State, except him, as governor; that he would be their—what is the name of that old Bible character that led them through the Red Sea?

Mr. BUCKLEY. Moses.

The WITNESS. Yes, I believe it was their Moses; that he would play that character, and lead them through the land of Canaan.

By the CHAIRMAN :

Question. That was the part assumed by Andrew Johnson.

Answer. That was what Bill Jones said; I do not know whether it was a scriptural quotation, or what; Bill was very fond of scriptural quotations. Mr. Buckley knows how it is. The white men were against him, republicans as well as others. He said that he (Bill Jones) was their savior, and they must look to him; that he was their Moses that led them through the Dead Sea to the land of Canaan, from bondage. He said to them that they were cheated and defrauded, right on the court-house steps here. I will state what I can verify by Judge O'Connor and James Taylor Jones, his brother; the first to verify my first, and the second to verify the second statement. He said that they were cheated and defrauded; that there was no white man who was not diametrically opposed to them, and wanted to re-enslave them; that they did not get a fair compensation as wages; that they only received a quarter of what northern laborers would receive for the same work; that they ought to have one-half, the landed proprietor furnishing the land and expenses and paying them all, giving them then one-half for their labor. Possibly they can make more at that than we can make otherwise, provided the negroes work up to the highest standard of physical effort.

Question. How old was his conversion from the democracy at that time?

Answer. During the war he cursed every man who was on furlough. I had a difficulty with him at one time. I staid at home two weeks, and he criticised me for staying out of the army in order to keep from fighting the Yankees, whom he was going to eat up in one day. He criticised me so I had a difficulty with him, that Mr. Gains Whitfield, one of the most responsible men in the country, knows all about.

Question. I do not care for details. I only want to learn how recent was his conversion from democracy at the time he made this speech to the negroes. How long since he was in full accord with the democratic party and recognized as one of its leaders?

Answer. In 1867 he was in full accord with the democracy. He came into town; a movement was started from below for all parties to join the League in order to find out what it was. They feared it was incendiary, and parties did join. He stated here that he did join it for the purpose of breaking the thing up. He joined it in 1868; he declared himself for Seymour and Blair, denouncing General Dustin, Judge O'Connor, and Drake, and every one of the rest of them as the damndest rascals that ever lived on God Almighty's earth. He joined the League to break up the league with the devil, as he called it; the league with hell and the loyalty to the devil, as he called it.

Question. Was he trusted as a democrat at that time?

Answer. He was trusted. He was elected a senator from this county.

Question. As a democrat?

Answer. No, sir, as a republican. He came back and announced himself then for Seymour and Blair, but he could not see it, quite, after the election was over. His eyes were open then, and wide open, and he fell back after he had cursed every other republican, and turned in again, and you never heard such loud-mouthed assertions. That went on and he told all these things that I have mentioned, that every effort was made to cheat the negroes. There is a catechism of his for the negroes, in which he says that every effort is used to bring them back to bondage; that they must beware of the statements of any white man in reference to anything at all.

By Mr. BLAIR :

Question. I would like to have a copy of that catechism.

Answer. I know three parties who have it. A negro showed it to me. A negro told

me that Jones said he had got the advantage of these Linden parties; that while they cursed him, he had got the money they paid him for carrying off the court-house for them. That was William Mathews, a blacksmith at Dayton, who told me that Jones said that he thought he was even with them; that while they were abusing him and cursing him, he was living on the money they paid him for carrying off the court-house.

Question. Have you a copy of that catechism of his?

Answer. I did not think it was worth keeping. I knew it was an imposition. I have tried to do fairly with the negroes, and if they cannot see it, I cannot help it. He turned in then and went ahead and tried to raise a discord among the republican ranks, in order to get rid of them and make himself king or leader, or, as his father expressed it, bell-wether; just as sheep always had a bell-wether to follow, so they were to follow his son, Bill Jones, as leader. In a recent speech, which his brother told me of, he told them that the authorities had no right here under the law to put the negroes in jail; that if they killed or hung a man, or did anything of that kind, they simply paid the price of it if they were caught; that no man had a right to put them in jail, and inveighed against the incumbent of the office of probate judge—O'Connor.

By the CHAIRMAN:

Question. Did you hear any of those speeches yourself?

Answer. His own brother heard that one. My old family negroes, who had confidence in me, asked me was it possible for them to be put back into slavery; they said that they understood it was possible, and gave me their authority, emanating from Mr. Jones. They asked, in case it could be done, had they not better go to Kansas, and had not every negro in this country better leave it; that Mr. Jones said to them that by going to Kansas they could have one hundred and sixty acres of land given to them free gratis and no cost, and a mule or horse, and provisions; in other words, they would be furnished and found with everything necessary for one year's time free of cost; that they could go there and take possession of these Government lands; and that it was their best interest to go, because they stood no fair chance here. Outside of that, it is my honest belief, and I will guarantee it with my life, and deposit it if necessary, that you can go, if you are a republican, and that gentleman sitting there, if he is—of course I know General Blair is not, for I know he was the democratic candidate for Vice-President—and if you are a republican, I guarantee with my life, and I will deposit it in the city of Washington, under that guarantee, and under bond, to the last dollar or dime I am worth, that you may go with me to the so-called city or town of Linden, comprising in all about six groceries, two stores, and a court-house, and make any speech, republican or what not, that you please, dealing with the main questions of the day and the great issues of parties, with perfect safety. I can give you security to the amount of a million of dollars at any time.

Question. Let me interrupt you a moment to refer you to an article which some one has cut from an Alabama newspaper and handed to me, as follows:

“RAMPANT.—The Tuscaloosa Monitor, in noticing a bill which has been introduced into Congress to appoint commissioners in the various Southern States to gather up evidence relating to the outrages which have been and are being committed, uses the following language:

“Send on your commissioners as soon as you please, and their coffins with them, if you desire to have them decently interred.”

Answer. My belief is that the sooner the commissioners take up such characters and hang them the better it will be for them. I think you will find it the sentiment of the people that they by no means indorse his violence; just as the people of the North, I suppose, do not indorse the violence of “Brick” Pomeroy.

Question. The Tuscaloosa Monitor is a paper of good standing in this State, is it not?

Answer. I do not know. I do not know that a single copy is sent to Linden.

Question. You have heard of the paper?

Answer. I have seen a good many copies of it.

Question. It is a democratic paper?

Answer. It is called so.

Question. It purports to speak for the democracy?

Answer. Did you ever see a man that was sane except upon a special subject? That is a case of the kind, and a violent one. I look upon Randolph as a very zealous man in the cause of the party, but a damned fool, if you will excuse the expression.

Question. He is an editor?

Answer. Yes, sir; he was looked upon as such when a boy. He got into more rows than any other boy at school. I had the pleasure of whipping him twice myself, and being once whipped by him. I believe that I would have been whipped every time, but for accident. He was older than I was. That is the general opinion of Randolph, so much so that his paper is not actively indorsed by subscription. I will venture that

you cannot find a single copy of his paper distributed in any post-office of this country; or if there are any copies, there are not over five.

Question. Why should it be sustained if the sentiments of the editor are not approved by the community?

Answer. That is the bad part. What I oppose now, and the only opposition that I have on God's earth to the General Government is, that they do not discriminate between man and man. In your section of the country, because there are a few bad men, they punish you, and because there are a few bad men here, they give me hell along with them; when the fact is, simply, that you will find bad men in every section. I will honestly and truly give bond to the extent of every dollar I am worth on God's earth, and get security to the amount of a million of dollars in this town, if necessary—southern security; you northern people don't admit that as good, though—but I will give Mobile securities to the amount of a hundred thousand that you can go from Linden to Shiloh and make any republican speech you please, and be asked to dinner and be treated with the greatest courtesy.

Question. Do you think that courtesy would be extended by that band that visited your house and whipped Neibling so mercilessly?

Answer. I do; for I know they are cowards and slink from light. I denounced them as such, and believe they were cowards.

By Mr. BLAIR:

Question. You have lived in New England part of your life?

Answer. I was there two years, at New Haven.

Question. Do you not think that while you were there you met quite as many blackguards as visited your house that night?

Answer. Yes, sir.

Question. Just as bad men—you frequently encountered bad men there?

Answer. Yes, sir; I had a row there.

Question. You have not a monopoly of the bad men in this country?

Answer. I do not conceive that we have.

By the CHAIRMAN:

Question. Were they allowed, in Connecticut, to organize into bands of disguised men and take people out at night, abuse them, and afterward the community never take any cognizance of the matter?

Answer. Yes, sir. Edward C. Preston, of the State of Louisiana, got into a difficulty about a party in the city of New York, and was taken out by a set of factory men and given the very devil. He was not only whipped, but beaten so you could not tell one end of him from the other. It led to a general row, and got all the students out. I never heard that any legal action was taken. I have a scar on my head now from that very affair—a pretty considerable one, too.

By Mr. BLAIR:

Question. The only point is that an attempt is made to inculcate the whole people of the South, because a few blackguards have committed these vile acts; I ask you whether there are not characters of that kind in New England, and elsewhere, to your knowledge; but I suppose it is a matter of history, and I do not care to pursue that line of examination further.

Answer. Mr. Burton has staid at my house day after day; Major Pierce dined at my house. He has since been a member of Congress. He was then agent for the Freedmen's Bureau, and was a strong personal friend of mine. Mr. Drake has been to my house, and was treated with courtesy. Every republican in this county, except Bill Jones, has been to my house, as I believe. I do not object to any man because he is a republican; if I had been North I would have been in the northern army. I opposed the separation of the two governments although I was not twenty-one years old at the time. I fought against it and spoke against it; but when that ended and the war opened I entered the army because I could not remain at home and be branded as a coward, and as taking a position against my own section. So I went into it and fought to the best of my ability, and rose from the ranks to a majority of artillery. After the war I surrendered in good faith, and I conceive that I am just as loyal a citizen to the United States Government as any man up North or anywhere else, and I will do as much to defend the Government as anybody, so far as another separation goes, but not so far as fighting foreign powers are concerned, because I do not think that the Government feels as kindly toward me as I do toward it. This thing is retroactive, or rather it acts on all parties; not only those who are violent, but the peaceable men, taking advantage by the bugbear raised among the people of the North to a great extent by a few violent men; and congressional action has taken hold of it, making such and such a thing penal, and it has been made a part of the State law too, while they are all insisting on the State executing her own laws. This State is, in fact, strong enough to stop all this violence.

Question. The question I ask you is in reference to the disturbances which exist. You have described the conduct of this man Bill Jones; I ask you if you believe it is on account of the representations or teachings of such men, to a great extent, that the bitterness or hostility and the disturbances in this country are due, and that by such men they are kept up?

Answer. I do. That is my honest belief given under oath.

Question. You have stated to the committee the sort of doctrine he inculcates here?

Answer. I do not think there is a single man here outside that will dispute it, and we have various members of the republican party here. After he had arrayed the white men against the negro, and the negro against the white men, he preached reform.

Question. What motive do you ascribe to Jones in making this arrangement of all the people of his own color?

Answer. It is simply because the negroes had doubted him very much. He had dodged the issue to such an extent by changing from one party to the other, and riding the fence politically, that he was doubted by all parties, and various members of the republican party told him they could not trust him. The democrats thought that he could not be trusted by them, and between the two fires he turned around and out-heroded Herod in talking to the negroes, turning in and doing everything in the world to gain personal popularity among them. The negro is not a creature of intelligence, but passion. You have to arouse his passions in order to convince his reason. He had to appeal to old-time associations; the lash he frequently mentioned, and all styles of punishment, and the probability of their being re-enslaved. He does this to arouse their passions and carry them as a body with him, because they really have not confidence in him if they are left alone.

Question. You believe his whole object is to keep himself prominent before them and thus obtain position?

Answer. Yes, sir.

Question. And that the method he adopts to do this is to arouse the passions of the negro against the white people?

Answer. It was first his method, but he has gone so far into it that his passions are now aroused, and without being a man of real brain, but a great deal of brute in him, he has aroused his own passions to such an extent by what he has said and done that possibly he begins to think he is doing what is right. I do not know but it looks as if he did; he is so extreme and violent; but that was his original object, and his main object at present.

Question. Were you present at Linden the other day when he got into this difficulty?

Answer. I was not, sir; I went directly from my house afterward when the McKinley row was threatened and advised my negroes to stay at home, telling them that if Mr. Jones wanted to make a fight for himself let him do so, but keep out of it. I was absent from home at the time that occurred. The plantation is across the creek; I went across to the plantation where this outrage occurred we first took up. Not a negro of mine went to McKinley. I advised the negroes of Dayton to do the same thing, and, as you learn, I have considerable influence with the negroes.

Question. You used your influence to keep them out of this difficulty?

Answer. Yes, sir. I told them that if he chose to make a difficulty they should let him fight his own battles.

By the CHAIRMAN:

Question. Your card, as also that of Mr. Neibling, which you have put in evidence, were published in the Marengo Journal?

Answer. That is the first publication, sir. It was modified afterward in the Demopolis paper.

Question. They were published at Linden on the 13th of May, 1871?

Answer. I believe they were, somewhere about the last of April or first of May.

Question. Mr. Marschalk was the editor of the paper at that time, was he not?

Answer. Yes, sir.

Question. It is a democratic paper, pure and unadulterated, is it not?

Answer. I do not know, sir. It has been called sort o' mixed. It is called a democratic paper.

Question. This Marschalk, the editor, is the same man you have reason to believe led this gang in the attack on your house?

Answer. I have reason to believe so from what Mr. Neibling stated, who knew the man, and that he was the leader and spokesman of the party. That is the only evidence I have.

Question. He has since been killed in a row?

Answer. A hat was left at my house; I had reason to believe that the hat was his. He has been killed.

Question. Mr. Jones, of whom you have said so much in your testimony, is a native, I understand, of Marengo County, Alabama?

Answer. Born in Marengo, from all I can learn.

Question. Raised as a democrat?

Answer. Well, he first came out as a whig, I believe.

Question. Went into the army? Did he rise to distinction in the confederate army?

Answer. I heard that in the first fight at Manassas he rose about that high, [three feet, illustrating by gesture,] jumped up with his musket, but did not shoot.

Question. I mean did he attain any rank in the army?

Answer. No, sir; he served as a private a short time and complained of fistula and came home, but he rode up to Tennessee with his fistula.

Question. I wish to get it fixed definitely in the record up to what time he acted with the democratic party and was trusted by them?

Answer. I do not think he was ever a distinguished member of that party. If he was a member of it he was a very humble member of it. If he made any speeches—I have heard he was laughed at considerably in speaking for Bell and Everett prior to the war.

Question. Did I not understand you to say he advocated the election of Seymour and Blair?

Answer. Shortly before the election came on he came from Montgomery and announced himself as a democrat, but his announcement consisted chiefly in cursing General Dustin and pointing his finger at him. Dustin would have punished him, but I stopped him and told him he would not stand any fair chance in going at him and his uncles and brothers, but if he would go I told him I would see fair play.

Question. My question is, did he advocate the election of Seymour and Blair?

Answer. Yes, sir.

Question. Did he have democratic audiences to listen to him?

Answer. The effort was to get negroes to listen to him at the time, and a good many white persons were present; I suppose a hundred and twenty-five.

Question. Were his sentiments at that time acceptable to the democratic party?

Answer. I heard a great many say they would use him if that was all; but, at the same time, they had not a damn bit of confidence in him.

Question. Was he ever nominated by the democratic party for any office?

Answer. No, sir; never in the world; and he could not have gotten one at the hands of the democratic party.

By Mr. BUCKLEY :

Question. Was he not mayor of Demopolis twice?

Answer. I do not know. He was elected here, but by what party I do not know. So far as the democratic party went in this county or State ticket, he never had anything to do with it. I think he says he was a republican.

Mr. BLAIR. He says in his card: "In 1868 I was unanimously elected by the republicans as a Grant and Colfax elector for the fourth congressional district. I was awfully denounced by the entire democratic sheets of Alabama. Certain circumstances turned up which compelled me to withdraw as such elector. As soon as I did so, and made a few speeches for Seymour and Blair, the entire democratic press began to heap such praise and flattery upon me that I really felt awkward."

By the CHAIRMAN :

Question. Do you think that is true, that the democratic press heaped praise and flattery on him?

Answer. Anybody in the world, when quitting the republican party and joining the democracy, will be taken up and rubbed over a little with soft-soap. I suppose they wanted to use him, but they had no earthly confidence in him as a man.

By Mr. BUCKLEY :

Question. Mr. Jones is a man who has mingled in politics all his life a good deal?

Answer. The only chance he had to do anything with politics was since the republican party got into power here, and he has not been a leader with them until during the last year, since Burton, and Mattingly, and French, and others left here.

Question. I understood you to say that that class of men appeared to be honest in their convictions and their attachment to the republican party, and advocated their principles in a proper and respectful way, and never produced any discord?

Answer. I never saw anything to the contrary at all, I am very free to confess.

Question. At present, in Marengo County, do you believe that there is any hostility between the races?

Answer. Yes, sir; I am sorry to say that I think there is.

Question. Do you think the antagonism is wide-spread and general?

Answer. It is pretty well mixed. A great many negroes want to live in peace and harmony with the white people, and the white people universally wish the same.

Question. It is their common interest?

Answer. Yes, sir; but individual cases are different, and they stir up the worst element among the black race.

Question. What has been the general conduct of the freedmen, since the war, upon the plantations, as laborers?

Answer. Until very recently it has been unprecedentedly good, considering the circumstances of past slavery and present freedom. There have been oppositions, and so on, and laxity of effort in the way of labor, laziness, &c., but nothing of the kind to any general extent.

Question. Notwithstanding all the discouragements, the result has been as good as you could have expected?

Answer. Yes, sir; I think our State is building up rapidly.

DEMOPOLIS, ALABAMA, October 25, 1871.

HENRY T. JOHNSON sworn and examined.

By the CHAIRMAN:

Question. State your place of residence?

Answer. I live with Major Glover.

Question. What is your occupation?

Answer. Farmer.

Question. Were you staying at Major P. J. Glover's last spring, at the time certain disguised men came to his house?

Answer. Yes, sir.

Question. You may go on and state to the committee the particulars of that visit?

Answer. It was on Sunday evening; it was a very rainy night; I should think about 1 o'clock the dog was alarmed mightily in the yard; I got up to see what was the matter; I didn't see nothing; I made the dog hush, and went in and went to bed again. Shortly after I heard something knocking at the door in the yard. I lit the candle and went out the back door to see, and up stepped a man to me and I told him, "Good evening." He said, "Good evening, sir." He asked me if the school-teacher was at home. I let on as though I didn't hear it, so that I asked him, "Sir?" I held the light out, and up come somebody with a white sheet over him and false face on him, and then this fellow I was talking with asked about the school-teacher. I told him the school-teacher was not at home. I told him I loaned him a mule when the sun was two hours high, and he was going away, I thought, perhaps, to Macon Station, or over to Mr. Quinney's; and the two come and talked a little together and bounced into the house, and there they found Mr. Neibling lying in Major Glover's bed asleep. They waked him up and ordered him to come out with them, and one of them tapped me on the shoulder and asked me why I told him a story, and I told him I didn't know that was the school-teacher they were after. Neibling asked what this was for; there was no answer given. They took him, one by each arm, and out they went; and in about, well, between three-quarters of an hour or an hour, Neibling came back. I asked him what they did with him. He said they had whipped him good. I looked at him, and the fellow was good whipped; it was surely well done. That is all I know about the case. I saw as much as nine men. There was two come in first, and the balance come in afterward.

Question. Were they all disguised?

Answer. Disguised. The first one when I spoke to him had a kind of a vandyke, may be a white shawl, across the nose, about the eyes and over the lower part of the face, and the hat was low down on his head.

Question. Did you know any of them?

Answer. No, sir; I did not.

Question. Were all the nine men disguised, you say?

Answer. Yes, sir; this first fellow was not disguised, only he had what I told you; but the balance of them I saw were disguised.

Question. Can you describe what kind of disguises they had on?

Answer. They all had white sheets on their shoulders down, and false faces; some looked to be paper faces, and others I could not say; all had false faces.

Question. What kind of faces?

Answer. Old hats, some gray, some black.

Question. Were their horses disguised?

Answer. I didn't see the horses; they said the horses were kept on the outside of the yard, but I didn't see them or hear them.

Question. Was Neibling teaching a colored school at that time?

Answer. Yes, sir.

Question. Did Neibling ever tell you what they whipped him for?

Answer. He says he couldn't find out.

Question. Did you know any of the men?

Answer. No, sir.

Question. Has any one of them ever been found out or identified since?

Answer. No, sir. We have tried our best to find them out, but couldn't.

Question. Did you follow their tracks to ascertain where they came from?

Answer. No, sir; they went out of the yard; I was naked and it was raining; against I had my breeches and double-barreled shot-gun they were out of sight, and Neibling said they went on their horses as hard as they could after they whipped him.

Question. How many licks did he say they struck?

Answer. A hundred and fifty.

Question. Had he ever received any warning or notice to leave before he was whipped?

Answer. Not as I know of.

Question. He long did he stay after he was whipped?

Answer. He staid until August.

Question. He was whipped in April?

Answer. Yes, sir; the last day of April I believe it was, the 30th, I believe.

Question. Did you suppose them to be a band of Ku-Klux?

Answer. I don't know what they may be sir; they were drunk with whisky. They were something; you may call them Ku-Klux; I would call them Ku-Klux.

Question. Had you heard of Ku-Klux in the country before that?

Answer. No, sir; not in this county.

Question. How long have you been living down there?

Answer. I have been living there just a year and a half. I had been living in the neighborhood of Demopolis here since the war.

Question. Are you a native of the South?

Answer. No, sir; I am a Norwegian by birth. I was in the Yankee army, and I got my discharge in this place. I was in the Yankee army four years and seven months, and since that I have stopped around about the country, and twelve miles from this place, all but one year, when I was down about twenty-five miles.

Question. Do you ever attend the elections?

Answer. No, sir.

Question. You never vote?

Answer. I voted twice since I have been in the country; that was for the court-house when it was to be moved away from here to Linden, and voted for it to go to Dayton, and then I voted for sheriff a month ago.

Question. Who did you vote for for sheriff?

Answer. Mr. Michael, the sheriff of this place.

Question. Is he a democrat?

Answer. I think he is; I don't know really what he is.

Question. Was Mr. Neibling a moral, good young man?

Answer. Yes, sir; he was a fine young man.

Question. Was he a man of good character?

Answer. He was a man of good character as far as I know; he was a well-raised boy; he looked to be harmless.

Question. You knew of no cause of offense this party had against him except his teaching a colored school?

Answer. I didn't know of any offense at all.

Question. Is it your supposition that they whipped him because he was teaching a colored school?

Answer. Well, I sometimes think that, and other times I think they whipped him, may be, prejudiced against the owner of the plantation, because he has laborers and can get laborers, and prejudice against him; that was the only revenge they could take. That is the most, I think.

Question. Was Neibling laboring for him?

Answer. No, sir; teaching the school; and teaching the school induced the negroes to go and work for Major Glover, and the major had many laborers, and could get them, and that school would entice the negroes to come there and live, to get the children to school. It was the prejudice, I think.

Question. Was this a white man, the upper part of whose face you could see?

Answer. Yes, sir.

Question. You had no doubt it was a party of white men?

Answer. I couldn't tell; I think it was white men, but this I saw was a white man.

By Mr. BUCKLEY:

Question. Did you ever hear of any other persons being molested or any freedmen down there being whipped by parties at night?

Answer. No, sir; not in this county.

Question. Have you in an adjoining county?

Answer. I have not, sir.

Question. Have you heard of the killing of any persons in that portion of the county by men in the night?

Answer. No, sir; I has not. I heard there was some men shot at Dr. Smith's a month ago, and they was said to be black men.

Question. Did you ever hear of the killing of a colored man down there named Westbrook?

Answer. No, sir; I have not.

By the CHAIRMAN:

Question. You stay pretty close at home?

Answer. Yes, sir; except on Major Glover's business I never go. I have nobody to visit, and don't visit nobody.

By Mr. BLAIR:

Question. You say these men were drunk with whisky?

Answer. They smelt of whisky.

Question. Smelt strong of whisky?

Answer. Yes, sir.

Question. It was your impression that the young man was whipped because Major Glover had plenty of hands to work upon his place?

Answer. Yes, sir; could get plenty of them.

Question. And because they came there for this school?

Answer. Yes, sir; it would entice others to go, and also they were more prejudiced against him as others wanted to teach school as he had; because he had pretty good pay, \$75 a month; it may be others wanted the school, and he had it. They may have wanted to scare him away to get the position.

By Mr. BUCKLEY:

Question. Was this school kept on Major Glover's land, on his plantation?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Did the people generally of the county take part with Mr. Glover?

Answer. Yes, sir.

Question. They were all on his side?

Answer. Yes, sir; as far as I know.

Question. Did you ever hear any expression of condemnation for the active and zealous manner in which Mr. Glover took the part of the boy who was whipped?

Answer. No, sir; I have not; nobody ever expressed this at all to me in any way about that.

Question. Those who you heard express themselves approved of what Mr. Glover did in reference to it?

Answer. Yes, sir.

Question. Is it a fact that the people of the county generally approved the stand Mr. Glover took about that matter.

Answer. Yes, sir; as far as I know.

By the CHAIRMAN:

Question. If you never went abroad, how do you know what the people of the county said about it?

Answer. I am not much abroad, only on the place, and I come sometimes once a month to town as he sends me. I am generally at home; you find me there Sunday, Monday, or any day.

By Mr. BLAIR:

Question. When you do come to town and whenever you see any of the white people, this matter being a topic of conversation, this business of the whipping of this boy on your plantation being a matter talked about among the people, they always approve the course that Mr. Glover took in reference to it?

Answer. Yes, sir.

Question. That is your understanding?

Answer. Yes, sir; that is my understanding.

Question. Have you ever heard any white man condemn what he did?

Answer. No, sir; they dare not do it in my hearing, either.

By the CHAIRMAN:

Question. How many white people have you heard speak about it?

Answer. I have heard several speak about it and say Major Glover was right, and if he needed assistance they would go and assist him, as many as he wanted; they told me so.

Question. Have you heard a dozen speak of it?

Answer. Yes, sir; more than a dozen; if he needed assistance to stay up at the night, they would go and help him.

By Mr. BLAIR :

Question. I understand there was some intimation that those men meant to execute their threat to drive young Neibling out of the county ?

Answer. Yes, sir.

Question. And you were offered assistance by the white people to resist them if they came ?

Answer. Yes, sir ; certainly.

By the CHAIRMAN :

Question. What made Neibling leave in August ?

Answer. His school was about up, and he took sick of the intermittent fever ; he was sick several times, but he took very sick, and he wanted to go home any way, and he thought that he had better go home, and he would be cured easier there than here.

By Mr. BLAIR :

Question. He was not afraid to stay here ?

Answer. No ; he wasn't afraid to stay ; he need not be.

DEMOPOLIS, ALABAMA, October 25, 1871

JAMES A. R. QUINNEY sworn and examined.

The CHAIRMAN. General Blair, having called this witness, will please examine him.

By Mr. BLAIR :

Question. Where do you live ?

Answer. I live in this county, near Spring Hill.

Question. Did you hear, Mr. Quinney, anything about the killing of a man named Robin Westbrook ?

Answer. Yes, sir.

Question. Do you know anything about it ?

Answer. I do not.

Question. How far did he live from you ?

Answer. I suppose about fourteen miles.

Question. As much as that ?

Answer. Yes, sir.

Question. I wanted to know from you where you were the night of that killing ?

Answer. The night of that killing—said to be the night of that killing, I did not see the man—I was in Jefferson, in this county.

Question. How near is that to where he was killed ?

Answer. He was killed in Jefferson, I suppose.

Question. You were there the night he was killed. Where were you staying ?

Answer. At John Crudip's.

Question. Did you stay there all night ?

Answer. I did.

Question. From sundown ?

Answer. Yes, sir. I got there a little before sundown, and staid there until after breakfast next morning.

Question. Were Crudip's sons there ?

Answer. Yes, sir.

Question. Was he out of the house that night ?

Answer. Crudip ?

Question. Yes.

Answer. If he was before between 10 and 11, I never missed him ; if he was, it was to step out and back again. I sat up, I recollect, until between 10 and 11 o'clock, when we laid down.

Question. Were his boys both there ?

Answer. Yes, sir ; both.

Question. Did they leave the house that night ?

Answer. Yes, sir.

Question. What time did they leave the house ?

Answer. I think, sir, it was—well, day was breaking. I staid all night at Mr. Crudip's, and this is why we set up so late. His two sons, their mother was fixing for them to go on a visit to Greene County ; and we sat up until between 10 and 11 o'clock, and was fixing for them to start, and then the two boys and myself went to

bed in the same room; and, I think, between 3 and 4 o'clock, they got up and started.

Question. Started for Greene County?

Answer. Yes, sir; for Greene County.

Question. Could Crudip and his son have been absent that night, and engaged in the killing of this man, without your knowing it?

Answer. It is possible that they might, sir; but I do not think it is hardly probable.

Question. You were in the same room with the boys?

Answer. Yes, sir; I lay in the same room with them that night.

Question. You did not miss them during the night?

Answer. No, sir; not until they got up next morning. I saw them lie down; we all lay down about the same time, and next morning when they got up, to start over to Greene or Hale—I do not remember exactly which, for they told me overnight they were going early next morning—they got up then, in the same room we all lay in. I do not think it is hardly probable that they left the room during the night.

Question. Is one of them named George?

Answer. Yes, sir; George.

Question. The old man was in a different room?

Answer. Yes, sir; in a different room.

By the CHAIRMAN:

Question. Did you sleep sound that night?

Answer. Well, sir, I did not sleep very sound, because it was exceedingly warm, and a close room.

Question. Did you wake during the night?

Answer. I did wake up two or three times.

Question. Do you know at what hours you woke?

Answer. No, sir.

Question. Was there any connection between the room where you slept and that where Mr. Crudip was?

Answer. There was a passage or partition, I think, between where I slept and Mr. Crudip.

Question. He could have got up and gone out, and come back again, without your knowing anything about it?

Answer. He could have done so, sir.

Question. You think if either of the boys had got up, you could have heard it?

Answer. I do not think they did, because I was awakened frequently during the night, and heard the boys, and we were lying all in the same room together.

Question. Did you see Westbrook's body that day?

Answer. No, sir; nor would not have known anything in the world about it. I should have left next morning without knowing anything about it, but I was sitting out on the piazza, and saw a buggy pass, and as it passed it overtook a negro woman, and I heard the man in the buggy ask her something, and she says, "He was killed;" and he says, "Who killed him?" and she says, "Some white men, I reckon." That is everything I heard as they passed. When Mr. Crudip came in I says, "Did you hear of any disturbance in town?" He said, "No." I said, "If I did not misunderstand the negro woman, as Mr. Simmons passed here this morning, she said some one was killed, and by white persons." He says, "Let us go up town and see if we can hear anything about it." We went up to the post-office, and Mr. Crudip asked about it.

Question. What did Mr. Crudip follow for a living?

Answer. He is a farmer, sir.

By Mr. BUCKLEY:

Question. How far is it from where Mr. Crudip lives to the place where Mr. Westbrook was killed?

Answer. If I am correctly informed about where he was killed—I did not see him; but I understood it was on a certain lot that a man there occupied—I suppose it is a quarter of a mile.

By Mr. BLAIR:

Question. It was after 11 o'clock when you went to bed?

Answer. No, sir; between 10 and 11; and then we lay there and talked for some time after we lay down, until it might have been 11.

By Mr. BUCKLEY:

Question. Did all the family lie down at the same time you did?

Answer. No, sir; I think not. I think Mrs. Crudip and Miss Crudip, the aunt of the boys, were making preparation for the boys to start next morning on this visit.

Question. When you retired?

Answer. Yes, sir; they did not lie down when we did.

DEMOPOLIS, ALABAMA, *October 25, 1872.*

MARY ELIZA WILLIAMS (colored) sworn and examined.

By the CHAIRMAN :

Question. What was your husband's name ?*Answer.* Ezekiel Williams,*Question.* Where did your husband live before his death ?*Answer.* At Mrs. Seibel's, down here in the swamp.*Question.* Down in Sumter County ?*Answer.* Yes, sir.*Question.* State to the committee if your husband was killed.*Answer.* Yes, sir.*Question.* When was he killed ?*Answer.* He was killed just three days before the court.*Question.* How long ago was that ?*Answer.* It has been nearly two weeks now. Has it been two weeks since court up there at Livingston ?*Question.* I do not know.*Answer.* I think it has been two weeks ; he was killed.*Question.* Who killed him ?*Answer.* I don't know the men that killed him ; I know a few of them.*Question.* Where was he at the time he was killed ?*Answer.* He was in jail in Livingston.*Question.* Livingston is the county-seat of Sumter County, is it ?*Answer.* Yes, sir.*Question.* What was he in jail for ?*Answer.* They said he killed Mr. Collins the time of the fuss out of my house at night.*Question.* Was Mr. Collins a white man ?*Answer.* Yes, sir.*Question.* How long had your husband been in jail ?*Answer.* A little over a year ; about two or three months over a year.*Question.* Had he ever had his trial ?*Answer.* No, sir.*Question.* Did a party come and take him out of jail and kill him ?*Answer.* Yes, sir.*Question.* How did they kill him ?*Answer.* They just tied him and carried him down to a place called Sucarnochee.*Question.* How far was that from the jail ?*Answer.* Two or three miles, I think they said, on the railroad, down on the creek ; he was killed right on the creek,*Question.* How did they kill him ?*Answer.* They shot him.*Question.* How many balls were fired into his body ?*Answer.* So many I couldn't tell ; one man said he put fifteen in him.*Question.* How many men were concerned in taking him out of jail and killing him ?*Answer.* I can't tell you how many there was ; I did hear once, but I forgot. There was seventeen or eighteen. I don't know.*Question.* Did the men have any disguises on ?*Answer.* Sir ?*Question.* Did the men have any disguises ; anything over their faces ?*Answer.* I wasn't there when they took him out ; he was dead when I heard it ; but I know several of the men that were there.*Question.* How did you find out ?*Answer.* They went off, like this evening, and to-morrow evening they came back home, when they could tell Zeke was dead ; they were in it ; they had said they were going to kill him.*Question.* You may state the names of the persons you supposed to have been concerned in the killing.*Answer.* Mr. Farris Beville, Johnny Faris ; there is three more to come yet, but I have forgot ; there was one named Billy Hillman ; John Myers.*Question.* Any more you can remember ?*Answer.* Jack McCree, Mr. Rafe Grayson. I do not know any more than that.*Question.* Now tell the committee again the reasons why you supposed the persons you have just named were concerned in the killing of your husband.*Answer.* Well, they said they were going to have vengeance back.*Question.* Who said that ?*Answer.* Mr. Faris and all them men that were down at my house.*Question.* They said they were going to have vengeance on him ?*Answer.* Yes, sir.

Question. When did they say that?

Answer. That was directly after the first Ku-Kluxing there at my house, when this man got killed.

Question. This man had got killed at your house?

Answer. Yes, sir.

Question. What was his name?

Answer. Mr. Collins; he attended to the railroad.

Question. How did he happen to get killed?

Answer. He was Ku-Kluxing, and they shot him; they came there and shot into the house, and I had to run out with my children.

Question. That was about a year ago?

Answer. Yes, sir; last year.

Question. How many men came with him?

Answer. So many I couldn't see; it was dark.

Question. Were there a great many?

Answer. Yes, sir.

Question. Did they shoot into the house?

Answer. Yes, sir; smack through my smoke-house, and through the dairy, and through the log, but it happened the log was seasoned, so they didn't come in the house, and I took my child and ran to the door. I said, "Gentlemen, don't shoot. I have done nothing; here is my child;" and one said, "Don't shoot the woman; she is with the children." My husband wasn't in the house.

Question. Had he any notion that they were coming?

Answer. He had heard it, but didn't believe it.

Question. Had he gone out of the way?

Answer. He had gone away to his brother-in-law Peter's.

Question. Who was it that led these Ku-Klux?

Answer. Collins.

Question. Who killed him?

Answer. They didn't know who killed him?

Question. Was it supposed that some of their own number killed him?

Answer. Yes, sir; he said he didn't know who killed him; just as apt to have been the other side as the black people.

Question. Was any gun fired from your house?

Answer. No, sir.

Question. Your husband was not there?

Answer. No, sir.

Question. Did they suspect your husband of killing this man; was that what he was taken up for?

Answer. Yes, sir.

Question. And kept in jail for a year?

Answer. Yes, sir; Mr. Moore did. After they took him up from Belmont, Mr. Seibels said he could not take him—he was in his charge—except on a writ, and he drew a pistol on him and told him he would shoot him.

Question. Who drew the pistol?

Answer. Mr. Moore, the sheriff, and when they got Zeke out two or three miles, as he said to me when I first went to see him, "Mr. Moore told me to just ride on like a gentleman, and he would return me back to Belmont;" but he never did it.

Question. He took him to jail?

Answer. Yes, sir; he was high sheriff.

Question. Was there any proof that your husband had killed that man?

Answer. No, sir; only what he said.

By Mr. BUCKLEY:

Question. They took him out three days before court?

Answer. Yes, sir.

Question. This month?

Answer. Yes, sir.

Question. The first part of the month?

Answer. Yes, sir.

Question. And took him down the railroad?

Answer. Yes, sir; at a place they call Sucarnochee.

Question. And there shot him?

Answer. Yes, sir; shot him all to pieces.

Question. You saw him after he was shot?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Have you heard of any other colored people being shot in that part of the country?

Answer. In the time they were Ku-Kluxing they had a fuss down at my house in Belmont, and a man was killed between 11—about 9 o'clock, I think. He was working in the field; and they couldn't get anybody that night, and they shot him down in the field, right on the road.

Question. When was that?

Answer. That was last year, when they were Ku-Kluxing. They buried him in Belmont.

Question. Did the Ku-Klux kill him?

Answer. Yes, sir; shot him down in the day-time.

By Mr. BUCKLEY:

Question. What was his name?

Answer. I didn't know his name. He had a wife there at Mr. Billy McCree's.

By the CHAIRMAN:

Question. Any other colored people killed that you know of by Ku-Klux?

Answer. No, sir.

Question. Have you heard of any being whipped?

Answer. They whipped a few at Livingston; going on to Livingston; when they broke up here to Belmont, they whipped a few.

Question. How far did you live from Livingston?

Answer. I think they say it was eleven miles.

Question. Are there any colored schools kept down there?

Answer. There is one at Mr. Travis's. That is the only one.

Question. Has that ever been interfered with by the Ku-Klux?

Answer. No, sir; not that I know of.

Question. Has anybody ever been taken up for killing your husband?

Answer. No, sir; they said they didn't know who did it.

By Mr. BUCKLEY:

Question. Do you know of any people who saw him taken out of jail that night?

Answer. No, sir. He hollered. Uncle John said he hollered murder.

Question. John who?

Answer. He stays in Livingston; he buried him; they didn't allow but one man to bury him—an old black man.

Question. Did this old black man hear him halloo as they took him out of jail?

Answer. They all heard him all over the jail. They took him with the first light of day; took him out of the cell.

By the CHAIRMAN:

Question. How did they get him out of jail?

Answer. They had the keys.

Question. Did the jailer give up the keys?

Answer. Yes, sir; they said they were going to kill him, and his wife give them the keys.

By Mr. BUCKLEY:

Question. What is the jailer's name?

Answer. Mr. Moore. And they took his pistols from him. I sent and got his clothes; but they said the people took the pistols, and I never got them, nor his knife neither.

By the CHAIRMAN:

Question. Did he have his pistols with him at the time he was taken up to jail?

Answer. Yes, sir; he was hauling up his cotton to Belmont.

Question. And they took away his pistols and knife, and you never have seen them since?

Answer. No, sir.

By Mr. BLAIR:

Question. You say you recognized Faris Beville?

Answer. Yes, sir.

Question. Was he disguised that night?

Answer. Yes, sir; he came back a little before day, and the people saw them when they came, but they wouldn't make no talk of it.

Question. What people?

Answer. The colored people.

Question. Saw who?

Answer. Saw Mr. Faris going from Livingston, and next day, about 10 o'clock, they were telling about Zeke being dead. That was Friday and Saturday. The colored people saw them as they were going down to Livingston, just about day, after he was killed.

Question. You did not recognize any of them yourself?

Answer. No, sir; I didn't see them, but they were missing. That night they were missing. They went away this time in the evening; they came home about daylight, and Friday they were talking about that Zeke was dead; that they got Zeke out of jail and killed him—somebody had—and Saturday they got the straight news of it.

Question. Do all these men live in Livingston—Faris, Beville, John Faris, Billy Hillman, John Myers, Jack McCree, and Rufe Grayson?

Answer. Them you have called, Faris, Beville, and Johnny Faris lives on the same place I live on, but Rufe Grayson and them live up about Belmont, and Mr. Jack McCree.

Question. They live about Belmont?

Answer. Yes, sir; and this Billy Hillman and John Myers live this side of Belmont, coming toward here.

Question. Faris, Beville, and John Myers live on the same place you live on?

Answer. Yes, sir.

Question. Do you think they were concerned in the murder of your husband?

Answer. Yes, sir; for they said they were going to kill him.

Question. Did you ever hear them say they were going to kill him?

Answer. Yes, sir; they said it directly after the fuss had at my house last year.

Question. Immediately after Collins was killed?

Answer. Yes, sir; and just a little before court was going to set, they said—Johnny Faris and Jack McCree, and Beville said—they were going to Livingston to do all they could against Zeke.

Question. Is that all the evidence you have upon it?

Answer. No, sir; that is not all the evidence, but I heard them say they were going to kill him, and I know if they said that they would do more.

Question. That is all you know about it; you did not recognize them there that night?

Answer. They were missing from home, and they saw them coming in next morning before day.

Question. Who saw them coming in?

Answer. A man living on the place—Charles.

Question. A black man?

Answer. Yes, sir.

Question. That is a pretty serious case you make against these men, and that is very light evidence upon which to arraign men for such a murder?

Answer. Well, they were there that night; some folks could tell you so because they went there. There was fifteen left the place right around the neighborhood where I lived, and we were picking cotton, and fifteen went and crossed the ford of the river, and only three of them came back, and I know they said the boys all left them at Jones's Bluff. These men went deer-hunting; went over the river, and when Mr. Beville and his brother Johnny came back, they said the boys all left them, and they staid all night, and the next evening they went on to Livingston, and next morning they come in before day, and they could tell by that; with all the talk all the time he was in jail. At the time that Mr. Jones spoke in Belmont, ever since they have been at him—at the time he spoke they got to fighting, and Zeke jumped up and told him he would stand at his back, and two weeks after that they came down to his house Ku-Kluxing, and ever since they have been at him, and all the time on they were telling him he was the big man; was taking up with Will Jones. He was in jail, and Mr. Jones was here, not caring nothing about him; and they told that he would be hung and would not go home alive, and so he never came back.

Question. Did not they mean that he would be hung by the law for killing Collins?

Answer. I don't know, sir, what they meant; but that was what they were telling all the time.

By Mr. BUCKLEY:

Question. Did they charge him with killing Collins?

Answer. Yes, sir; in the time of the fuss had at my house, it was at night, dark, and they were shooting, and Collins got killed; and next morning he was found at my house, and the black people all gathered up, and wouldn't let them have him for two days, and Zeke took the paper in his pocket, and he said he was going to fetch it to Mr. Jones. I don't know whether he got it; his name was on there on that paper, and Nathan Jones, and Wash Shackelford, and Aaron Thedford.

By the CHAIRMAN:

Question. Were they colored people?

Answer. Yes, sir.

Question. Did Collins have a disguise on when he was shot?

Answer. He had on a uniform.

Question. What kind of a uniform?

Answer. Just a blue suit out and out—a roundabout; it didn't have any tail.

Question. Was Collins a young man?

Answer. Yes, sir; he wasn't married; he was a poor man.

Question. What did he follow for a living; what was his business?

Answer. The white people in Belmont sent for him to come here and Ku-Klux; the whole troop from Livingston and Warsaw, and all around there; it looked like, in the day-time, it was two or three hundred, or more than that; they staid in Belmont, I believe, two days and a night.

Question. Was he supposed to be a leader of the Ku-Klux?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Did he follow that business?

Answer. He said so; he said he just wanted to kill Zeke, and that would make his five hundred men he killed since the surrender; Mr. Collins said that.

By Mr. BLAIR:

Question. Who did he say that to?

Answer. He was telling the white people, and some of the black ones got hold of it and got to talking about it.

Question. Who did he tell that to?

Answer. Mr. McCree, and them men standing there in Belmont.

Question. Did he tell Mr. McCree so?

Answer. Yes, sir; he can tell you so if he has a mind to; he said if he killed Zeke that night, that would make his five hundred men.

Question. Which McCree was that?

Answer. Jack McCree.

By the CHAIRMAN:

Question. Was Jack McCree one of the Ku-Klux?

Answer. He was down at my house that night with the Ku-Klux, and Beville and Farris, and Myers, and a heap more of our neighborhood men; but I did not recognize any but them; but they were all there.

By Mr. BUCKLEY:

Question. That was the time they shot into your house?

Answer. Yes, sir.

Question. Did they have anything over their faces?

Answer. No, sir; no gown at all; just horseback; they had on their hats.

Question. You saw their faces?

Answer. Yes, sir, I saw their faces. I ran to the door with my child, and said, "Gentlemen, don't shoot me, for I have done nothing to be shot." McCree spoke, and said, "I tell you not to shoot that woman with her child;" and after the fuss I asked him, and he said yes, he did say so; he tried to get them not to go down to my yard, and they would do it.

Question. Mr. McCree told you he said this?

Answer. Yes, sir; after they declared peace, I asked him if it wasn't him spoke that night; he said, "Yes; I tried to get them boys not to go there, but they would do it." He was there that night, too.

DEMOPOLIS, ALABAMA, October 26, 1872.

MACK TINKER (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. I am living in Choctaw County, about six miles south of Desotoville.

Question. How long have you lived in that county?

Answer. I have been living there about fourteen years, and I went up to Sumter and went back to my old home again, and I am living there now.

Question. Do you know of any colored men in that county having been whipped or killed?

Answer. Yes, sir.

Question. Tell the committee who have been killed.

Answer. Abe Lyon was the first one I knew that got killed there since I have been down there.

Question. Who else?

Answer. The next one was Mike Dunn.

Question. When was he killed?

Answer. I can't tell you, gentlemen, the day nor the month, for I never took notice; I took notice then, but it has gone out of my memory.

Question. Was it this year or last year?

Answer. This year.

Question. Did you know him?

Answer. Yes, sir; I knew him very well.

Question. When was he killed; in the day-time or night-time?

Answer. He was killed in the night-time.

Question. By whom?

Answer. By the Ku-Klux, was what was said.

Question. Was he a man of family?

Answer. Yes, sir.

Question. Did the Ku-Klux visit his house?

Answer. Yes, sir; they went to his house.

Question. Were the family abed and asleep at the time?

Answer. I don't know whether his wife was asleep or not, but I know he was lying down, from what they said. I was there when they made the inquest. They said he was in bed.

Question. How many Ku-Klux were said to have been there?

Answer. From the description, there were between twenty and twenty-five. There may have been more, but I heard them say that.

Question. Did you understand whether they were disguised?

Answer. They said that they came in the house.

Question. Was he killed in this house?

Answer. No, sir; they took him out, I reckon, about two hundred yards.

Question. How did they kill him?

Answer. They shot him.

Question. What was the offense? What did they have against him?

Answer. I'll tell you what I heard. They said he talked too much; that he was putting out some threats of what he would do if the Ku-Klux came to his house after him.

Question. Has anybody ever been taken up or punished for killing Mike Dunn?

Answer. No, sir.

Question. Was there a coroner's inquest held over his dead body?

Answer. Yes, sir.

Question. You have mentioned two instances—Abe Lyon and Mike Dunn. Go on and state to the committee any other murders you have heard of or know of.

Answer. The next murder, after Mike Dunn, was Isham Ezell. I knew him, too.

Question. Was that this year?

Answer. Yes, sir; all these I am telling you of were this year.

Question. Did you understand he was killed by disguised men?

Answer. Yes, sir.

Question. Supposed to be Ku-Klux?

Answer. Yes, sir; the same thing.

Question. How many were concerned in his killing?

Answer. They said there was about fifteen men that they give an account of that was there. They said that they saw that many.

Question. What was he killed for?

Answer. Some said he was killed about a woman he had took down, and some said he had cursed the white people, and all such as that, so I never could get nothing straight of that. I just tell you that as I heard it.

Question. What woman had he taken there?

Answer. A woman named Jane Ward.

Question. A colored woman?

Answer. Yes, sir.

Question. Has anybody ever been taken up or punished for killing him?

Answer. No, sir; no person at all.

Question. Go on with the next one.

Answer. The next one was Lem Campbell.

Question. Was he killed this year, too?

Answer. Yes, sir; he was killed this year.

Question. By Ku-Klux?

Answer. Yes, sir.

Question. How many were concerned in killing him?

Answer. I don't know, sir; they said there was a great many, but I never heard exactly how many they thought there was there.

Question. What was he killed for? What was his offense?

Answer. Nothing that they could have account of; only the citizens around there allowed it must have been a mistake; that the man you had here yesterday was the one. He lived there, I reckon, about fifty or one hundred yards from him. They first came up to his house; that is the way his wife gave it in; I heard her. He was lying

down, and they called him, and he got up. They said, "Is this you, old man Lem?" He said, "Yes, sir." They said, "Get up and make a light." He made a light. They said, "Where's old man William?" He said, "I reckon he is down at his house." The Ku-Klux said, "Do you know me?" He said, "No, sir." He says, "I know you if you don't know me, and you will know me after now if you were to see me." He told him then, "Lay down, old man; nobody is going to hurt you, because, by God, you are as good an old soul, as good a citizen as in this country, and nobody has anything against you." Then they went down to old man William's house.

Question. Ezekiel Williams?

Answer. I don't know, sir; it was the same yellow man (William Lee) you had here yesterday. They asked his wife where he was at. She said he was at Mr. Gray's. In consequence, they turned around, and the citizens held she must have told him concerning, in this way, that he had old man William there, harboring him, and that he knew where he was. They went back to him, and says, "Old man Lem, you told me a God damn lie." He says, "No, I didn't." They says, "Yes, you did tell me a God damn lie. Now, get up and come out here." From the evidence, when they carried him out, they tried to whip it out of him, like any person would, to see if he wouldn't confess to what the woman said, but they couldn't get it out of him. They cut saplings down and whipped him powerful all over, and made great whelks as big as your finger, trying to make him confess to this, but he wouldn't confess, and then they turned in and killed him.

Question. How was he killed?

Answer. He was shot.

By Mr. BLAIR:

Question. In order to make him confess to concealing William?

Answer. Yes, sir.

By the CHAIRMAN.

Question. Has anything been done, or anybody been taken up, for the killing of Lem Campbell?

Answer. No, sir.

Question. What is the next case?

Answer. Nothing. That's all I know of the murdering.

Question. Do you know of any colored people that have been whipped in Choctaw County?

Answer. No, sir; I don't know of any one whipped in Choctaw.

Question. All of these murders have taken place this year?

Answer. Yes, sir; all have been done in about seven months.

Question. What has been the effect upon the colored people there. Have these numerous murders alarmed them?

Answer. Yes, sir; that's one thing that got me out of there, loafing about—what I call it like; when I am not at work, I call that loafing about.

Question. Why did you leave Choctaw County?

Answer. That's what I will tell you. After they killed Abe the citizens said they would put a stop to it.

Question. Abe Lyon?

Answer. Yes, sir; but they didn't put a stop to it; and the next one they killed was Mike Dunn; and they said they would put a stop to it then. We went on that way, but we couldn't imagine what would happen; we couldn't do nothing, and didn't know what to think. After a while they kept killing these men until they come to Lem Campbell. In every case before old Lem Campbell, where a man was killed, they had some bill against him; that he talked too much, or had put out some threat; but when they came to old man Lem every one said he was as good a citizen as there was in the country, colored or white; that he troubled nobody. Then, I concluded to myself, if they killed such a man, they will kill me or any other man. That stirred me up in my mind, so I thought I would come off awhile and work about, and let it get pacified, and then go back and try to get work again.

Question. Have any other colored people left for the same reason?

Answer. Yes, sir; a great many of them have left all through, every which way.

Question. Do the colored people of Choctaw County vote freely, without any fear?

Answer. Well, they haven't been doing it.

Question. What are they afraid of?

Answer. They are afraid of men they are working for raising a fuss with them, and turning them off; or maybe men, Ku-Klux, might come and kill them; so they just formed the idea that they wouldn't vote.

Question. Do you know that a great many stay away from voting for that reason?

Answer. That is what they say they are going to do. They haven't done it, but they say they are going to do it. Well, in the whole county, and a great many persons,

almost every person I know, says they are not going to vote any more. I have said the same thing. I don't intend to vote any more as long as I live.

Question. Do the employers of colored people try to prevent them from voting?

Answer. Well, without they vote the democratic ticket. They say that if they vote on the other side it is all right. I voted according to my judgment, and I saw it was pretty tight up there, and I just determined not to do neither one.

By Mr. BUCKLEY:

Question. Have you known of any school-houses which have been burned up in Choc-taw County?

Answer. Yes, sir. I wasn't living there when they were burned up, so I have nothing to say about it; but I know two down there have been burned up.

Question. You have heard so?

Answer. Yes, sir; but I was living in Sumter then.

Question. How long ago was that?

Answer. That was, I think, before Christmas.

Question. Last year?

Answer. Yes, sir.

Question. Did you say you were at the inquest of Mike Dunn?

Answer. Yes, sir; I was right there, and looked at him, and that put me out of the notion of ever seeing any other man done in that way. That's one thing that frightened me. I am frightened yet about it—just to look at him. I haven't staid in my house in five weeks. It will be six weeks this week, because I have been here all the week.

By the CHAIRMAN:

Question. Where would you go to?

Answer. In the woods, and stay about.

Question. For fear of Ku-Klux?

Answer. Yes, sir. After they came and killed that man, that was innocent, I thought they would kill anybody; if they couldn't get one they would kill another. I have been staying in the woods for five weeks, and so I came here to knock about awhile, and get my mind pacified to go to work again.

Question. Have the white people made any earnest effort to stop these outrages upon the colored people?

Answer. They say they have, but they told me that before, and it was not more than two weeks before there was a man killed, and that just knocked the belief, or thoughts, I had out.

Question. You say you do not know of anybody having been arrested for committing these murders?

Answer. No, sir; I don't know a person at all that has been; that's true.

By Mr. BUCKLEY:

Question. Have you heard of men riding in the county in disguise lately?

Answer. No, sir; not since the last man they killed. I tell you this is just ruining that country, sure, with black people. I don't reckon there is a colored man in ten miles around me who has got any heart to work. I reckon I have as good a crop on hand as the general run of darkeys, and I declare I can't get it. I have no heart to work all day, and then think at night I will be killed.

By the CHAIRMAN:

Question. Did you leave your crop?

Answer. Yes, sir; my crop is there, and I have some hands there going on with a brother of mine.

Question. Have you ever received a notice or warning from the Ku-Klux?

Answer. No, sir; none in the world; nothing about me.

Question. But you think, if innocent men like Campbell may be killed, you will be killed?

Answer. Yes, sir; that's the way, because they told him, when they came that night, that they didn't have anything against him in the world; that they thought he was as good a citizen as there was in the country.

Question. Is it known who these men are who ride about the country and kill colored people?

Answer. That's more than I know. Of course, the men down in that part of the country must know, but then it is fixed in such a way, that one is not going to tell, and this one is not going to tell.

By Mr. BUCKLEY:

Question. Are they afraid to tell?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Who is the sheriff in that county?

Answer. I don't know, sir, who is sheriff down there. I know Mr. John Christopher, at De Sotenville, is justice of the peace.

Question. Who is the judge of the circuit court there?

Answer. Judge Smith was.

Question. Who, Luther Smith?

Answer. Yes, sir. There was old man Sam Cook; now, his wife was whipped there. You may say she was whipped nearly to death. She lives about six miles the other side of me. I had forgotten about her.

By the CHAIRMAN:

Question. What was she whipped for?

Answer. She was whipped on account of him. They got after him last year; I reckon it was in December, the Ku-Klux did; and so it was reported that they got after him, and he got away from them, and he moved down there to Mr. Allen's mill, and they supposed they had that grudge against him all the time—that they didn't get him then—the gentlemen that were after him. He moved off, and so they went down there, and Mr. Wadkins missed a watch, and they said the little boy carried it to let old man Sam have it, and they got after old man Sam about it, and old man Sam run off; and so the disguised men went there after him about a week after that, and took her out, and they whipped her so she laid under the doctoring about two months.

By Mr. BLAIR:

Question. Who whipped her?

Answer. These Ku-Klux.

Question. Did Mr. Wadkins have anything to do with it?

Answer. Not as I know of. I never heard his name called for it, but only that the Ku-Klux whipped her.

Question. You say this Isham Ezell was whipped about a woman?

Answer. Yes, sir.

Question. What was there about the woman?

Answer. They said he took a woman, and she was not married. I believe she used to be his wife once, and then he quit her and had another woman, and I think she was taken up there again. She was living somewhere, and he went and got her and brought her there, and some men told him that if he brought her there again they would do something to him about it, and I suppose from that it raised a fuss, and he cursed them; and that night, when they came after him, they told him to open the door, and he told them he wouldn't. They were cursing mighty powerful. They says, "Open the door, Isham." He says, "I won't." They says, "God damn you, open the door," and he cursed them. They had an ax that he had been splitting light-wood with, and they split the door open with it, and after they bursted the door, one of them poked a gun right through the crack of the door, and shot him right through his left cheek to his right, and another shot him through the breast.

Question. Who were the men that threatened him?

Answer. That we never have known. They that do know are not going to tell.

Question. Who told you that men had threatened him?

Answer. Which, sir?

Question. Who told you that these men had threatened Isham?

Answer. I heard his wife say so.

Question. His wife or this woman?

Answer. No, sir; his wife. She lives right down there at the Cole place, without she has moved from there since two weeks ago.

Question. You say that you think it probable they killed old Lem by mistake for some other man?

Answer. Yes, sir; that's what they have got it reported over there.

Question. Who did they take him for?

Answer. They were after this old man William, and they talked like old man William's wife must have told some kind of a tale on old man Lem; that William must have had some hover there somewhere, or something the matter that they killed him. That's what they all think there, white and black.

Question. Did William's wife tell the same story?

Answer. Yes, sir. Her name is Dindy.

Question. Do you know William Lee, who was here yesterday?

Answer. Yes, sir; the same one.

Question. It was his wife?

Answer. Yes, sir.

Question. What did they want with this William Lee?

Answer. From all I have heard—the black ones and some white ones report—they say

he had been stealing. I don't know whether they proved it on him or not, but that was the report they had.

Question. They had him in court?

Answer. No, sir.

Question. They did not arrest him?

Answer. No, sir.

Question. They just charged him with stealing?

Answer. Yes, sir.

Question. It seems they went to arrest this man Lee, and they mistook old Isham for him?

Answer. No, sir; they took old man Lem for him.

Question. Where is this woman, Jane Ward?

Answer. I don't know where she is living now. She is living somewhere down in Sumter now.

Question. Does nobody know who these men are?

Answer. No, sir; not as I know of.

Question. Are they supposed to be the same band of men who perpetrate all these things?

Answer. Yes, sir. They all came down from toward Meridian. Every time they come, they always come down.

Question. About how many of them were there?

Answer. I have heard there was twenty-five, and I have heard that there was more than that, but I have heard the man say he had counted them, and there was about twenty-five.

Question. William Lee says the band consisted of sixteen, and invariably the same number.

Answer. Yes, sir. Well, I don't know how many men came down after they came in there.

Question. Abe Lyon's wife says there was about a hundred.

Answer. That's what I heard a heap of them say, and a heap said there was not that many; and I heard some of them say there was about seventy-five when they killed Mike, and I heard some say there was about forty, and some said twenty-five, and so I don't know how to take them. But Mike's mother said, I think, twenty-five or thirty; I don't know exactly which, because she said after they killed him she laid out by him all night after the men went away. She laid out there, and built up a little fire. The fire was there when I went there the next morning.

Question. Was that Mike Dunn's wife?

Answer. No, sir; Mike Dunn's mother. She was standing right out there when they killed him. When they brought him out of the house—she could tell it all straight—they took him out of the house, and one man says, "Let's whip him, and turn him loose." The other said, "No, God damn him; I would rather shoot his damn brains out," and they just took him down by the big road about two hundred yards, or near that, and laid him down, and then she said they would all turn their backs, and the captain said, stand off, and he would tell them to wheel, and when they wheeled they would shoot him. Well, one-half didn't hit him; they just turned and shot. When they got done shooting, one said, "Hold up your damned head, and let me cut your damned throat." She was standing off, looking at him.

Question. Who heard that?

Answer. Mike Dunn's mother.

Question. Where did she live?

Answer. They lived on the widow Campbell's place, between Tompkinsville and the cross-road.

Question. How far is that from Livingston?

Answer. Just about thirty miles, I reckon.

Question. This side or the other?

Answer. It is on the other side, in Choctaw. Mrs. Campbell's place is more south of Livingston than anything else.

Question. Where did you live?

Answer. I lived in Choctaw. I live at Mr. Charles McCall's.

Question. You lived at his place?

Answer. Yes, sir; at a place they call the Sleigh place, Nathan Sleigh's place.

Question. How far is that from Livingston?

Answer. About thirty-five miles, I reckon. It's about twelve miles from Butler.

By the CHAIRMAN:

Question. Do you know of many colored people in Choctaw County who, like yourself, feel unsafe in staying in their houses after night, and, like you, have laid out in the woods?

Answer. Yes, sir.

Question. Do you say you know a good many who did like you?

Answer. Yes, sir.

Question. Is there a general feeling of insecurity among colored people there?

Answer. Yes, sir; it is that and nothing else.

DEMOPOLIS, ALABAMA, October 26, 1871.

JACOB MICHAEL, JR., sworn and examined.

By the CHAIRMAN:

Question. What office do you hold in Marengo County?

Answer. Sheriff, sir.

Question. How long have you been sheriff?

Answer. Nearly three years, sir.

Question. Are there certain colored men at this time in the jail of this county on a charge of assaulting Dr. Seth D. Smith, of Jefferson, with intent to kill him?

Answer. Yes, sir.

Question. What is the number of men in jail?

Answer. Six, sir; there were seven altogether; one made his escape.

Question. How long have they been in jail?

Answer. They have been in jail about three months, sir—two or three months.

Question. Has any indictment ever been preferred against them?

Answer. Yes, sir.

Question. Against all?

Answer. Yes, sir.

Question. When is their trial to come off?

Answer. It is to come off, I suppose to-morrow; I think it is to-morrow; to-day is set for some special case; it was to come off to-morrow. I have the witnesses subpoenaed there.

Question. You may state to the committee what information you have of any whipping inflicted upon the men now in jail, or upon other colored people, with a view of inducing them to disclose the names of the persons concerned in that assault upon Dr. Smith.

Answer. Well, sir, all that I know about it is what I heard the prisoner himself say—the one that escaped—that he had been whipped.

Question. What was his name?

Answer. His name was Lewis something; I have forgotten the name; I have not the book here now; he told me he had been whipped; I saw his back; he was brought to me on Sunday night or morning, about 4 o'clock. Monday I went to my jail to inspect the prisoners, and told him I had heard he had been whipped, and wanted to see his back. I called a gentleman with me as a witness to see if that had been done; I had heard of it. He took off his shirt, and there were the stripes on his back. He did not say who whipped him; he did not call any name. I asked him, but he would not say.

Question. When did he say he was whipped?

Answer. He was whipped; I do not remember; it was the night he was arrested; a Friday night; he was arrested by some constables, who had been deputized down there.

Question. How many were concerned in the whipping?

Answer. He did not say.

Question. What did he say was the object of the whipping—to make him confess?

Answer. He did not tell me anything about it at all. I did not ask him any questions, except to try to find out who they were.

Question. Were any of the other men who were committed whipped?

Answer. No, sir.

Question. Not one.

Answer. Yes, sir; one of them complained that he had been struck over the head with a pistol by some of the crowd during the night.

Question. The night he was arrested?

Answer. Yes, sir.

Question. They were all arrested in the night, you understood?

Answer. Yes, sir.

Question. At their houses?

Answer. Yes, sir, I presume so.

Question. Did you see the wound on his head?

Answer. Yes, sir; he showed me it. I stood at the door, and he showed me that he had been struck on the head with a pistol.

Question. Did he explain the circumstances?

Answer. No, sir; he did not say who struck him, but they said he was not walking up, or was attempting to get away, and they struck him to make him keep up; he said that was what they said they struck him for.

Question. Did Lewis tell you that he was induced by this whipping to disclose the names of persons?

Answer. He said whipping would make most any man tell or acknowledge anything.

Question. Did he say what he had acknowledged?

Answer. He did not say anything about it; he just remarked, any man, when he has been whipped, will acknowledge almost anything.

Question. Did he seem afraid to give the names of persons who had whipped him?

Answer. No, sir; I did not ask him particularly; I do not suppose a dozen words were exchanged between us. Mr. Taliaferro here, the editor, was standing at the door; I called him in.

Question. The editor of the paper?

Answer. Yes, sir; D. M. Taliaferro.

Question. This was at Linden?

Answer. No, sir, Demopolis; they were confined here.

Question. Are they here at present?

Answer. No, sir; they are at Linden; I carried them down Monday morning.

Question. They had been kept here until last Monday?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Court sits there, and you took them down there for trial?

Answer. Yes, sir.

Question. You have no knowledge or information of how many were concerned in the whipping of this Lewis?

Answer. Mr. William Giles, my deputy, went there Saturday, and they were turned over to him, and he then protected them; they were not mistreated after he took charge of them.

Question. Before that, you say they were in charge of whom?

Answer. Of special constables.

Question. And a posse also?

Answer. Yes, sir.

Question. How large a posse?

Answer. I really do not know; I suppose eight or ten in number; I do not know positively how many there were.

By Mr. BUCKLEY:

Question. Mr. Michael, was this whipping done in the presence of Mr. Giles?

Answer. No, sir; that is his statement; I asked him.

Question. Did you ever hear that he made the remark that they had done enough, and plead that they should desist from whipping; that Giles said, "You have done enough," and asked them to cease whipping?

Answer. No, sir; I do not think so. I asked him if he was there when they were whipping them. He told me he was not. I told him I would hold him responsible if those persons were mistreated in his custody. He told me positively that the negroes were never struck a lick when they were in his custody; he told me they were not; that after he took charge of them he protected them.

Question. Then the maltreatment was all while they were in the custody of these special constables?

Answer. Yes, sir; and the posse.

Question. Do you know anything of the circumstances of the killing of Robin Westbrook?

Answer. I do not, only what I heard. His brother, after he was killed, came to me and told me he had been killed. I tried to get some information; I sent for Robin Westbrook's wife, or widow; I understood she had known who they were, but she would not come at all. I afterward found her reason; that she had gone before a justice of the peace in Jefferson, and sworn before three or four gentlemen and a justice of the peace that she did not know a single name. The justice of the peace wanted to investigate the matter, and she said she did not know, and could not swear positively who they were, and I came back. I understood she said she was afraid to tell that justice of the peace who they were at that time. I sent her word by her brother-in-law—her husband's brother—to meet me here at my office at 8 o'clock one night. She did not come; I sent her several messages; she never would come. I wanted to find out, and told her if she could find out, to make an affidavit, and I would arrest every one of them, and bring them before the civil courts.

Question. You never were able to find any of the perpetrators of that outrage?

Answer. No, sir; I did all that was my duty. I did not want to make an arrest without a warrant; I wanted to break up everything of that kind. I wanted a quiet county. My time will soon be out, and I wanted to keep everything straight.

Question. Are you acquainted with the facts in regard to the maltreatment of Mr. Neibling?

Answer. Yes, sir; from statements only.

Question. Were you ever able to find any of the perpetrators of that outrage?

Answer. No, sir; I never have been able to.

Question. No arrests have been made?

Answer. No, sir. I went the second day with Mr. Adler out to Mr. Glover's; he went on some other business; I went to see about this affair. Mr. Neibling stated himself that he did not know any of them, but he thought he recognized one man, but afterward said was mistaken; he said he was mistaken in the man.

Question. So you have not been able to bring any of them to justice?

Answer. No, sir; we found a bat there, but we could not make the name out—myself and Major Glover and several others. I even went as far as to go there at night, and stay two or three nights, to see if I could find any of them and arrest them.

Question. Did you expect them to return?

Answer. Neibling, I suppose, did, sir.

By the CHAIRMAN:

Question. Has there been a considerable decrease of your colored population since the war in this county?

Answer. I really do not know.

Question. I notice, according to the census, that there has been a decrease in your population since 1860, of a little upward of 6,000 people.

Answer. Yes, sir.

Question. That at this time you have 6,090 whites and 20,058 colored people in the county of Marengo, according to the census of 1870; and that there has been a decrease in the population of your county, from 1860 to 1870, of a little upward of 6,000 people, principally colored.

Answer. Yes, sir.

Question. Are you able to assign the cause of that?

Answer. No, sir; only they die very rapidly.

By Mr. BUCKLEY:

Question. Have not two or three townships been taken off of your county, to form a part of Hale?

Answer. Yes, sir; a portion—just about two miles from here—a portion was taken off. A good many freedmen were there.

Question. Hale is a new county?

Answer. Yes, sir; that accounts for a portion of the decrease in the colored population.

By the CHAIRMAN:

Question. Would that be sufficient, in your estimation, to account for the decrease of 6,000 people?

Answer. I really do not know; they have been dying very rapidly, though, with sicknesses.

By Mr. BLAIR:

Question. You say this negro, Lewis, told you he had been whipped, to induce a confession?

Answer. Yes, sir.

Question. You did not ask him who whipped him?

Answer. No, sir; he did not tell me who whipped him at all; he did not know, I suppose; but he told Mr. H. A. Monnier, the jailer. I wanted to get out a warrant for those parties who mistreated him, but he said he never would do it; I suppose his intention was to escape, which he did, when he got an opportunity; therefore I did not get out the warrant; I was told by a great many people that he would escape if he could, and he did; he ran over my jailer, him and two others.

Question. He was a desperate man?

Answer. Yes, sir; he had that reputation. He admitted himself, while he was in jail, that he had shot one man in Sumter County. I suppose he was raised in Sumter. I have found out since that he was raised in Sumter.

By the CHAIRMAN:

Question. Did he confess that to you?

Answer. No, sir; to the prisoners in the jail, and they told me; he had one finger off, the forefinger; he said he got that done in a difficulty.

By Mr. BLAIR:

Question. He said he did kill a man?

Answer. No, sir; that he had shot a man, not that he had killed him. He has made his brags to me that he was going to get out of that jail if he could; I did not believe it; I had him chained in the jail, and he managed to break the locks, and just as the

jailer opened the door, with a man there with a double-barreled shot-gun in his hand, he ran over the jailer and the man with a gun in his hand.

Question. Did you make any inquiry among those who arrested him to ascertain the truth of what he said about being whipped?

Answer. No, sir.

Question. Made no sort of inquiry?

Answer. No, sir. I waited on him to get out the warrant; I went to Mr. McCall's, the attorney, to get him to go down and fix up the warrant, and have these parties arrested.

Question. He did not make an affidavit?

Answer. No, sir; he would not. He would say wait awhile, and we will have it done after awhile. I thought his object was to go before the grand jury, and have them find an indictment. He did not say so, but I was under that impression.

By the CHAIRMAN:

Question. You say his person gave proof that he had been badly whipped?

Answer. Yes, sir; the marks were not deep; his back was marked; it looked like he had been scratched; the skin was not torn at all, but he had been whipped.

By Mr. BUCKLEY:

Question. Was it a fact that his shirt stuck to his back when he attempted to pull it off?

Answer. No, sir; that was untrue; that was stated in a speech that Mr. Jones made publicly; he said that that was done, that the shirt stuck to his back; if that was so I did not see it; it was shortly after he had been whipped; he raised his shirt with perfect ease; there was no sign of blood on his shirt; I examined that particularly; he had his back right up to the jail door; Mr. Taliaferro went with me.

By the CHAIRMAN:

Question. Dr. Smith must have heard this whipping?

Answer. I suppose he did; he lives right in Jefferson.

Question. He was examined before the committee yesterday, and made no mention whatever of the fact of Lewis having been whipped, or of any violence used for the purpose of inducing a confession.

Answer. I do not know what purpose they whipped him for, only what the negro says himself—anybody would confess under the lash.

Question. You have no knowledge or information whether this whipping was done with the knowledge or consent of Dr. Smith?

Answer. No, sir; none at all; Dr. Smith, I think, is too good a man for anything of that sort; he would not have allowed anything of the sort to be done, unless I am deceived in the man; he is one of our best citizens, and has always been opposed to any such thing; he is a very reliable gentleman.

By Mr. BLAIR:

Question. How do you consider the condition of the county?

Answer. I consider this the condition of the county: it has been one of the most peaceable and quiet counties in the State until an occurrence a short time ago; that was Saturday, a week ago, on the 7th.

Question. What was, in your opinion, or according to your knowledge of the facts, the cause of that difficulty?

Answer. I really do not know; I suppose it was Mr. Jones making a speech, from what I have been told, and he was interrupted, I suppose, in some remark he made, which was misunderstood. We had a primary election for candidates for tax-collector and other officers; Jones, in his speech, remarked that the candidates had asked for republican votes, and it was misunderstood by Mr. McNeill; he thought Jones had said some democrats had asked to be allowed to go into the republican ranks to get the offices; McNeill went over and asked him if he had said so; he said he did not, and explained it to him; and, I suppose, Jones went on and made some other remarks about the democrats—that if they got into power, the negro would not be allowed to vote any more; and some one remarked, it was a damned lie, and from one remark to another they went on, and finally it brought on a difficulty; Jones then turned around to my deputy, after some words between them, and said, "Mr. Giles, you are deputy sheriff." My intention first had been to go down to Linden, and on Friday night I received an attachment, and had to go to Dayton to attach some corn about to be removed from the crib; I told Mr. Giles to go down there, and I would try to be there myself, but I had to go off to serve the attachment, and I did not go there at all. As I said, he turned to Giles, and spoke to him. I will first state that, after he took his seat, some one remarked, "Who is that seated off to your left?" The answer was, "It is Captain C. L. Drake. What do you think of C. L. Drake?" "I think he is a Christian man" or "a religious man." This man kept calling, "What is your opinion, Mr. Jones, of that man Drake?" Mr. Jones said, "I will make no reply; ask him yourself

if you want to know." Then there was some other remark, and finally a consultation held, from what I have been told, between Mr. Jones and four negroes. The supposition is, that it was in regard to what he should do, whether to fight or speak. I was told, by some citizens, he had been seen loading his pocket with pistols. At last he turned to Mr. Giles and said, "I have been abused and cursed enough, and I am going out now to fight; take my watch and diamond pin and my pocket-book, and give them to my wife if I am killed." He then walked out in the street, and challenged this man, named Dan Morgan, to come out and face him. About that time there were ten or twelve negroes drew up in line, with double-barreled shot-guns, and the white people then ran into the stores and armed themselves with hatchets, pistols, and anything they could get, shot-guns or anything, and ran up to Jones, and demanded that he should lay down his pistol; he did it, I suppose; Jones then sought refuge in the court-house. That is what I heard there; I do not know anything myself about it.

By the CHAIRMAN:

Question. Did the crowd disperse, then, after he took refuge in the court-house?

Answer. They remained there, and those very men who had the difficulty with him guarded him out of the place.

Question. Was there any effort made to get him out of the court-house?

Answer. None at all, from what I have heard.

Question. Was there any effort made to kill him after he took shelter in the court-house?

Answer. No, sir; there were some remarks made, "Kill him, kill him," according to his statement; the people down there do not remember any such remarks.

Question. How long was he sheltered in the court-house before he was taken out?

Answer. I do not know; about an hour or an hour and a half.

Question. Was he released or allowed to depart until he signed a card which was read to the crowd, withdrawing from his candidacy for sheriff?

Answer. He proposed that himself, from what Judge Young says to me.

Question. Proposed it himself as a means of safety?

Answer. Jones himself says he did it as a means of protection.

Question. Did that card have the effect of appeasing or mollifying the crowd?

Answer. Yes, sir; I suppose so.

Question. They were content to let him go unharmed after it?

Answer. Yes, sir.

By Mr. BLAIR:

Question. What was the character of the speech he made?

Answer. I do not know.

Question. You do not know what he said?

Answer. No, sir.

Question. Did you hear that it was denunciatory?

Answer. Yes, sir; I heard it was.

Question. Violent?

Answer. Yes, sir.

Question. Calculated to arouse bad feeling?

Answer. Yes, sir.

Question. And then you understood and believe he went out, after consultation with his friends, and offered to fight?

Answer. Yes, sir.

Question. And his friends appeared on the ground with arms?

Answer. Yes, sir; and the white people broke and ran and armed themselves.

Question. And then they drew up?

Answer. Yes, sir.

Question. But not until the white people had been denounced by Jones and he had offered to fight and drawn up his friends in line of battle; and then they took up his challenge?

Answer. Yes, sir; he walked out in the crowd with a large horse-pistol over his head, and the negroes around him. As he came out of the court-house gate, the negroes formed a letter V—in the shape of a V, with the point forward.

By the CHAIRMAN:

Question. You saw this yourself?

Answer. No, sir; I was told so; I do not know anything of my own knowledge about it.

By Mr. BLAIR:

Question. It was your duty to make inquiry?

Answer. Yes, sir; I went right down to make inquiry, and also told Mr. Jones that if he wanted these parties arrested to get out his warrant and I would arrest them;

I also pointed out two men he said were in the crowd, and he told me positively he did not know them—that he never saw them before—Henry Tisdale and D. C. McCoy.

Question. He had previously said they were in the crowd?

Answer. Yes, sir.

Question. And when you pointed them out he said he never saw them before?

Answer. Yes, sir; this conversation happened about 11 o'clock at night; he wanted to know "What are those strangers doing?" I said, "Some of them are from Linden, and a portion railroad men." He says, "I have never seen these two men you say are from Linden before." I said, "McCoy is one of the men who drew the pistol over your head, and Tisdale is another." "No," he says; "I never saw them before in my life, and swear I never did."

Question. Have you been instructed by Judge Smith, holding court at Linden, to take an armed posse and proceed to McKinley on next Saturday?

Answer. I have, sir; here is the petition to Hon. Luther R. Smith, [producing paper.]

Question. We have that in the testimony.

Answer. Here is the request of the citizens requesting to have a posse of fifty-odd men at McKinley.

Question. You have been ordered by the judge of the court to proceed to McKinley on next Saturday with an armed posse to preserve the peace?

Answer. With a posse to preserve the peace; he did not say armed.

Question. What is the reason you were called upon to do so?

Answer. I suppose, on the 12th of this month, there was a letter written by the attendant and council to me, stating that they had reason to believe there was a riot threatened; they thought there would be a very serious riot between the different races, caused by the republican candidate for sheriff, or supposed to be caused by him. I suppose Jones had made a speech here, and stated that he was going to McKinley, and wanted to meet these people so much opposed to him on that stand. I heard he said that; I was sick the day he made the speech; I heard that he made these remarks.

Question. Does the evidence upon which this order was given to you by Judge Smith show that there is to be a collection of armed negroes?

Answer. Yes, sir; they were armed there last Saturday; they came within two miles and a half of the place, and the people had to go and beseech them not to come. W. B. Modawell, an attorney of Marion, and others, went and made speeches to them.

Question. In your opinion, is there any necessity for the negroes going to this meeting with arms in their hands?

Answer. No, sir; none in the world.

Question. Is it not your opinion that this man, or any other man, can make a republican speech safely?

Answer. Yes, sir; it is my opinion that he can do it with particular safety in this county.

Question. Has it not been done again and again, and over again, in this county?

Answer. Yes, sir.

Question. Is not this attempt of Jones's, this movement of Jones's, without any color of excuse?

Answer. Yes, sir; I think so, sir.

Question. In the case at Linden, the other day, his violence, his offer to fight, and his appearing on the ground with armed men behind him, was the cause of whatever danger he was in at that time?

Answer. Yes, sir; no doubt of that; there was a threat and a collision in that way. Those colored people, though, who met at McKinley on last Saturday, are not from our county; they had belonged to the United States Army; they were the colored people who fought at Ship Island, and are from Wilcox County, and are arraying the negroes here in our county against the white people.

Question. Those men, you say, live in Wilcox County?

Answer. Yes, sir.

Question. They appeared in arms at McKinley last Saturday?

Answer. Yes, sir; a great number of them.

Question. Were you there?

Answer. No, sir; I was only informed of the facts; I did not go. I received a letter Friday night, about 8 o'clock, notifying me that they expected a riot of that kind; I knew Jones was not there, and I did not anticipate anything of the sort; I consulted William E. Clark; he said, "It is useless; you need not go; Jones will not come, and there will be no trouble."

Question. Jones did not go?

Answer. No, sir; he went to Montgomery or Huntsville, and got back Saturday night, and Sunday morning he sent for me to come to his room. I did not go until that night, and I carried this letter from McKinley.

Question. Did he go off to communicate with this sub-committee, and inform them of the desperate condition of affairs in this county?

Answer. I suppose so; I am not aware.

By the CHAIRMAN :

Question. This sub-committee never saw him until they reached here ?

Answer. He said he was going to Washington. I told him I could conduct the business of the county ; that I had done it, and I could make any arrests he wanted, if he would point them out, and if he did not find that I could, let him appeal to the governor for troops ; he said he had appealed to him once before, and he did not give him any satisfaction, and he would not do it any more.

By Mr. BLAIR :

Question. Are the white people of this county well disposed toward the blacks ?

Answer. Yes, sir ; very well ; there may be a few drunken men who are different, but the good people ought not to be responsible for their actions—drunken, worthless characters, that have no interest in the community.

Question. Have you had any difficulty in executing process ?

Answer. None in the world.

Question. Not since you have been sheriff ?

Answer. No, sir.

Question. You think you can arrest any man of Marengo County ?

Answer. I can arrest any man in Marengo County ; I have arrested some very desperate ones, black and white, said to be desperate, and I can get all the assistance I want from citizens to execute the laws.

By the CHAIRMAN :

Question. Mr. Jones, of whom you have spoken, is a candidate at this time for sheriff ?

Answer. Yes, sir.

Question. On the republican ticket ?

Answer. Yes, sir.

Question. Are you the opposing candidate ?

Answer. No, sir.

Question. You are not a candidate for re-election ?

Answer. No, sir ; I ran and was defeated for the nomination on the democratic ticket.

Question. You are a democrat, I take it ?

Answer. I am.

Question. You have spoken of the apprehension of a riot last Saturday at McKinley ; was it the understanding that the riot would ensue in consequence of Mr. Jones appearing there as a candidate and making a speech ?

Answer. No, sir ; I suppose not—not his appearance ; it was thought he might excite the negroes in his speech against the white people.

Question. Was it supposed that negroes who would assemble there armed would do so for the purpose of affording the speaker protection ?

Answer. I do not know, sir ; they came in that manner, with their fives and drums ; they were regularly organized in cavalry and infantry.

Question. Have you any idea that they made their appearance there for any other purpose than to protect their candidate from violence ?

Answer. I do not know.

Question. Was it not known generally throughout the country that he had been assailed at Linden ?

Answer. Yes, sir. That was a matter of general notoriety, I suppose, here, sir.

Question. Now, this petition that you have spoken of, got up by the citizens, to Judge Smith, to employ his powers for preserving the peace next Saturday, refers to a meeting to be held at McKinley by Mr. Jones ?

Answer. Yes, sir.

Question. It is understood that he is to make a speech at that time advocating his claims as a candidate for sheriff ?

Answer. Yes, sir.

Question. And the apprehension is that a riot will grow out of that fact, is it ?

Answer. Yes, sir ; I suppose so, sir.

Question. That petition is signed exclusively by democrats, is it not ?

Answer. Yes, sir ; I suppose so. I do not know any of them that are republicans. I think they are all democrats.

Question. How numerous was the crowd of armed men at Linden on the occasion of which you have spoken, when Smith was in danger—how many white men appeared there armed ?

Answer. I do not know how many.

Question. What is your information ?

Answer. That about twenty-five white men altogether were there, and about five hundred negroes ; they were not all armed.

Question. Did not the negroes generally disperse as soon as they saw the white men rushing there with their arms ?

Answer. Yes, sir; from what I have been told a good many left; some fifteen or twenty negroes stood their ground.

Question. Did you hear that any gun was fired?

Answer. Yes, sir; I heard a pistol went off accidentally, and a horse was shot accidentally through the thigh.

Question. Have you any idea that the array of the negroes, and their formation in the manner you described, was for any other purpose than to protect Mr. Jones?

Answer. It seems, after they were told Jones was not there, they say they would go, and a fight they must have.

Question. Did not it all grow out of rough treatment Mr. Jones had received?

Answer. I do not know; I did not see that.

Question. You say there has been a general state of quiet throughout the county during the time you have been sheriff, except this?

Answer. Yes, sir.

Question. And you have had no difficulty in executing the laws?

Answer. No, sir.

Question. Have you heard of a band of disguised men visiting the house and premises of Major Glover last spring, and taking out of his bed and severely whipping a school-teacher named Neibling?

Answer. Yes, sir; I stated that.

Question. Have any of the parties to that outrage ever been arrested?

Answer. No, sir; they never have found any of the persons out at all.

Question. What efforts have been made?

Answer. I made efforts; I went out myself and saw Mr. Neibling, and talked to many negroes, and asked if they knew the parties; they said they did not. I suppose the grand jury tried to find out something about it; they summoned witnesses to that effect.

Question. Have you heard of the murder of Robin Westbrook?

Answer. I did.

Question. Did you understand that it was done by disguised men?

Answer. They had their heads tied up, I believe, with handkerchiefs, and cloth over their heads; they did not know whether they were black or white.

Question. No one has been punished for that offense?

Answer. No, sir.

Question. No one has been arrested?

Answer. No, sir.

Question. Did that occur this year?

Answer. Yes, sir.

Question. Here, then, are two flagrant breaches of the peace for which no convictions have been had?

Answer. Yes, sir.

Question. You regard both of these as serious disturbances of the public peace, do you not?

Answer. Yes, sir.

Question. Why do you say, then, there has been a general state of quiet?

Answer. I say with the exception of these two or three little difficulties lately.

Question. You have heard of no negroes being whipped?

Answer. No, sir.

Question. Not a single instance?

Answer. No, sir; except this prisoner, Lewis.

Question. Have the negroes generally behaved themselves well.

Answer. Yes, sir; very well; I have no fault to find; I have gone where there were a thousand; in a republican convention there were a thousand, and they came near to getting a fight, and I got on the stand and spoke to them, and produced quiet.

Question. Do you think there is a state of good feeling between the two races?

Answer. I do not know whether there is or not.

Question. You have been raised in Alabama?

Answer. Yes, sir.

Question. Thoroughly acquainted with negro character?

Answer. Yes, sir; been with them all my life.

Question. Have you any opinion that there is a real antagonism?

Answer. I believe there is a treacherous feeling that exists; that the negroes are secretly disposed to be opposed to the whites; very often I can overhear them talking and say, "You must not allow this or that white man to do so and so; we must move the wheel ourselves."

Question. You have said there is no trouble at all in a republican advocating his sentiments in the freest manner?

Answer. No, sir; I do not think there is any trouble in the world.

Question. Will you please inform the committee how many white republicans there are in this county who advocate these sentiments?

Answer. There are very few of them left.

Question. How many?

Answer. W. B. Jones, J. W. Duresne, C. W. Dustin, P. E. O'Connor, Captain Davis, and there are several others, I cannot remember their names—two or three others.

Question. How large is the list, do you think, speaking from your best knowledge?

Answer. In the county I do not think there are over ten or twelve.

Question. You spoke of this as being the remnant left; how large was the list of republicans here at any time?

Answer. There have been a great many of them here at one time; I have seen some fifty that staid at times; soldiers encamped here; the men who left are, I suppose, say Pierce Burton, Major Price, Davis, Mattingly; that is four; Carlin is five—six or seven have left.

Question. Were they respectable men?

Answer. Yes, sir.

Question. Why did they leave?

Answer. The impression is that they made enough money; they had plenty of money and left; I do not know for what cause.

Question. Has there been at any time any social ostracism against white republicans?

Answer. No, sir. They never visited any of the white people here, very few of them. I associated with them the whole time they were here, and several others, my friends.

Question. Do you think there is any lack of disposition on the part of the residents here to mingle socially and freely with them?

Answer. They did not seek it themselves, and these persons did not seem to seek it themselves.

Question. Have they not been regarded by the white residents here with suspicion, and have not the white residents kept aloof from them?

Answer. I cannot say whether they have or not.

Question. Do you not know the public sentiment in regard to republicans who come here from the North?

Answer. Politically we differ, I suppose, but, personally, I do not think we have any inimical feeling toward them.

Question. How many of the republicans that you have enumerated, who have come here or been here from first to last, have publicly made republican speeches?

Answer. All of them, I think, sir.

Question. Have you known of any instance, except Mr. Jones, where they have been molested?

Answer. No, sir; I do not remember any.

Question. Have their meetings been attended by whites and blacks indiscriminately?

Answer. Very few white people attend as a general thing. I have seen speeches here when there were a thousand colored people, and not ten whites around.

Question. Did not the few whites who attend do it to listen to what was said and report it to the community?

Answer. I do not know what their object was in listening to it.

Question. Their doctrines are held in very great disfavor, are they not?

Answer. Well, I do not know, sir.

By Mr. BLAIR:

Question. Is there some antagonism between Jones and that other set of republicans known as carpet-baggers?

Answer. Yes, sir; Jones is always after them; he has published a great many articles in the paper against them.

Question. Denouncing them?

Answer. Yes, sir; he told me privately he did not think they ought to be allowed to hold office in the county; I can find the paper written against them by him—against Burton particularly.

By Mr. BUCKLEY:

Question. While Jones was a democrat?

Answer. No, sir; since he has been a republican.

By the CHAIRMAN:

Question. Was he at one time in high favor with the democratic party?

Answer. Yes, sir; about six weeks.

Question. They petted him a good deal?

Answer. Some few did; he was raised with me, and was a particular friend of mine, and I was glad he turned; I talked with him the night before he turned over; a great many told me they did not believe he would stick, and had no confidence in him as a democrat.

By Mr. BLAIR:

Question. Did not these gentlemen you have named, and who remained here a short time, leave on account of Jones's hostility to them, and his power with the negroes?

Answer. I think he had about as much to do with their leaving as anybody else, if they left on any account of the kind, because they were opposed more by him than any one else.

Question. Jones always had great power with the negroes?

Answer. Yes, sir; at one time he did; finally they succeeded, at one convention, in taking them away from him. Jones once led every colored person. At the time they nominated delegates to the Selma convention, Jones took the negroes all away from Burton at the court-house; Burton was chairman; there was a general difficulty between Jones and Lamont, and James Caldwell. I was in there trying to keep the peace at the time. Mr. Jones was one of the delegates, and he went into the meeting; he found he had been excluded. O'Connor was also a delegate; he claimed that he and O'Connor had the right to stay. O'Connor got up and told Jones he would speak for himself; he did not want him to speak for him. One thing brought on another until the row commenced. Lamont got up to make a speech, and was called to order by the chairman—Duresne then acting; there seemed likely to be a difficulty, and the chairman had asked Duresne to take the chair. Duresne called him to order; he caught him by the collar and told him to take his seat. Lamont told him he would not, and Jones then got up and spoke and told them all to follow him out; and they did; at that time this building was not completed, and he got by this door here and carried them all off to nominate delegates, and did nominate them, to the convention at Selma. The delegates had been before appointed by Burton; they were the legal delegates, and Jones had to withdraw his delegates after they went to Selma. I went there to watch the proceedings myself. I had never been to a convention.

By Mr. BLAIR:

Question. The carpet-bag element here and Jones are very hostile to each other?

Answer. Yes, sir; and they have been; I do not know how they stand now; I suppose Jones is the big man now, and I reckon he is satisfied.

Question. Do you think that fact had a great deal to do with the carpet-baggers leaving here?

Answer. I would not be surprised, sir.

Question. That was his object—to get rid of them?

Answer. Yes, sir. Jones is a personal friend of mine; there is not a man I like better than I do Bill Jones; we were raised together as boys.

By the CHAIRMAN:

Question. I understood you to say these men left because they had made enough money; how?

Answer. I suppose out of offices?

Question. What offices?

Answer. Burton has an office paying \$6,000 a year.

Question. What office?

Answer. Editor of the paper.

Question. The republican paper?

Answer. Yes, sir.

By Mr. BLAIR:

Question. He had the printing?

Answer. Yes, sir.

Question. Given to him by whom?

Answer. By different counties; by Hale, Choctaw, Marengo, and Perry, I think.

Question. By the judges?

Answer. Yes, sir.

By the CHAIRMAN:

Question. He held no office, did he?

Answer. Yes, sir; he belonged to the legislature, I think.

Question. He did not make much out of that, I suppose?

Answer. I do not know whether he did or not.

By Mr. BLAIR:

Question. Are they supposed to have feathered their nests pretty well on the railroad questions?

Answer. I do not know. I have heard it was so.

By the CHAIRMAN:

Question. What other gentlemen that have left have made money?

Answer. Major Pierce.

Question. What office did he hold?

Answer. United States Congressman at one time, and he got to have something to do with the custom-house at Mobile—had charge of it. Mattingly left; he was superintendent of the board of education of this county.

Question. Was that a very profitable office ?

Answer. I do not know, sir, what it paid.

By Mr. BLAIR :

Question. These gentlemen have a way of making offices pay pretty well ?

Answer. I do not know, sir.

Question. Is not that the general opinion here ?

Answer. Yes, sir ; I believe so ; that is the opinion of some, that they make it pay very well ; I never heard anything to the contrary.

Question. Their difficulty with Jones rather ended their power to make money in that way ?

Answer. Yes, sir.

Question. Hence they departed ?

Answer. Yes, sir ; that was only a supposition, however.

By the CHAIRMAN :

Question. Were they not generally ignored by the great body of the whites ?

Answer. No, sir ; I do not think so.

By Mr. BUCKLEY :

Question. Have you ever heard any well-founded charge made against any of your county officers here, that they were either corrupt or that they wastefully expended public moneys ?

Answer. No, sir.

Question. On the contrary, have you not heard that your county officers were excellent officers ?

Answer. Yes, sir. I have always heard that until recently ; it seems there is a suit brought against Judge O'Connor for a balance of some \$1,700 that he did not turn over to the county treasury, but it was money as fees coming to him, and he says he has a claim against the county for that amount.

Question. That is in trial now ?

Answer. Yes, sir.

By Mr. BLAIR :

Question. In regard to this job of printing of which you have spoken ; the new constitution and laws authorize the probate judge of any county to have the printing of that county done in any paper in the State ?

Answer. Yes, sir.

Question. And the advertising of sales, and all that sort of thing, which occur in reference to lands in the county of Hale, can, by that probate judge, be transferred to a paper in Marengo, or one in Madison County, or any other county in the State ?

Answer. Yes, sir.

Question. These advertisements are put in a paper printed at such a distance that it is never seen, or not taken generally by the people of the county, from which these advertisements are ?

Answer. Yes, sir.

Question. Do not you consider that a mere job to assist political papers ?

Answer. I do not think it is right at all.

Question. Is there any justification for taking the money of the people of Hale to be squandered in that way upon a paper printed out of the county ?

Answer. No, sir ; I do not think it was right.

By Mr. BUCKLEY :

Question. These different papers are designated by the executive of the State ?

Answer. Yes, sir.

Question. He has the naming of the papers ?

Answer. Yes, sir.

By Mr. BLAIR :

Question. Has not the probate judge the naming of the papers ?

Answer. Yes, sir.

Mr. BUCKLEY. Not merely the probate judge.

Mr. BLAIR. The testimony is unvarying that the probate judge of one county can select any paper.

Mr. BUCKLEY. But he has to select some organ named by the governor.

The WITNESS. I do not know whether I answered that question as to officers.

By Mr. BLAIR :

Question. No ; speaking of the designation of the paper.

Answer. Judge O'Connor designated the paper himself.

Question. Was he then probate judge?

Answer. Yes, sir. Judge Maupin is judge now.

By the CHAIRMAN:

Question. Do I understand you to say that in case an administrator's sale or sheriff's sale is required in Marengo County to be advertised in a newspaper, the judge of probate has the power to order that publication to be made in any county in the State, when a paper is published in Marengo County?

Answer. Yes, sir; he has a right to designate any paper.

Question. The probate judge has that right?

Answer. That is my impression; that is what I have understood the law was.

Question. Can you point the committee to the law authorizing it?

Answer. I think it is in the acts of 1867.

By Mr. BLAIR:

Question. Eighteen hundred and sixty-eight, is it not?

Answer. It may be 1868; I know Judge O'Connor gave the printing from Hale, Perry, Choctaw, and this county to Mr. Burton. I am told of this.

By the CHAIRMAN:

Question. Were newspapers published in Hale, Perry, and Choctaw?

Answer. Yes, sir; a paper was published at Butler, in Choctaw, at the time.

Question. And for sales in those counties the probate judge may order the advertisements to another county?

Answer. The probate judge in each county does it; he makes the order designating the paper.

Question. He may pass over the local paper and order it to be put in a paper of a neighboring county, or any county in the State?

Answer. Yes, sir.

Question. I should be glad to see that law.

Answer. I am under that impression, but I am not positive now.

MR. BUCKLEY. I believe it is this, [showing statutes.]

By the CHAIRMAN:

Question. Is this the law to which you refer? "That it shall be the duty of the probate judge of each county in this State to designate a newspaper in which all local advertisements, notices, or publications of any and every character required by law to be made in his county shall be published; each paper so designated shall be the official organ in and for said county: *Provided*, That no newspaper shall be designated as such official organ which does not in its columns sustain and advocate the maintenance of the Government of the United States, and of the government of the State of Alabama which is recognized by the Congress of the United States as the legal government of this State; and if there be no such paper published in the county, then the probate judge, whose decision upon the question shall be final, shall designate the paper published nearest the county-seat of his county which does sustain said government."

Answer. Yes, sir; I think that is the law. I knew a young man just down below here from Eutaw. I met him, and he told me that he was trying to get the public printing; his name is Monroe. I said, "Frank, are you doing the printing in your county?" He said, "No; it is done by Burton." He was complaining of not doing much, that he had but few subscriptions. He had gone to Mobile to get advertisements; he said it was hard to get along with the paper.

By Mr. BUCKLEY:

Question. Did you hear this speech of Mr. Jones at Linden?

Answer. No, sir; I was not there.

Question. It was stated here by Judge Young that he listened to a part of that speech, and so long as he heard it there was nothing in it out of the way or inappropriate in a political speech.

Answer. I stated that I did not hear it myself, but heard of it through other persons. I did not hear the speech at all.

Question. Do you, as sheriff of the county, consider that his life was in danger there a part of the time?

Answer. I suppose it was, after he went down and challenged these persons; I should think my own would be in danger if I did the same thing, or any other man's.

Question. And after he had declined to be a candidate everything was peaceable?

Answer. It was peaceable some ten or fifteen minutes before that; when the first remark was made, Jones staid there ten or fifteen minutes, with his leg over the bannister, whistling and consulting the negroes, and then he called the deputy (Giles) and gave him his pocket-book and pin, and said he was going down to fight.

Question. After this the meeting was appointed for McKinley ?

Answer. No, sir ; he told me himself, voluntarily, two or three months ago, " I have written to Sam. Chapman to tell these people there I am going to make a speech at McKinley."

Question. That appointment at McKinley was subsequent to the meeting at Linden ?

Answer. It was to be the 14th ; he spoke there on the 7th.

Question. Was there any violence on the day the negroes assembled at McKinley ?

Answer. Yes, sir ; they seemed to be very anxious to go into town.

Question. Did they go ?

Answer. No, sir ; Mr. Modawell went and begged them not to go.

Question. Then they turned around and went away ?

Answer. No, sir ; that was in the morning at 10, and they staid there until 6 o'clock ; an old man, McLoud, who has a great deal of influence with them, and was once a member of the legislature, went down and talked with them, and begged them not to go and create a difficulty.

Question. Finally they dispersed and went home ?

Answer. Yes, sir, at 6 o'clock ; about that time.

Question. Are the negroes very much in the majority in this county ?

Answer. Yes, sir ; about twenty-five hundred.

Question. So that the negro population in that part of the county is quite dense ?

Answer. Yes, sir ; as I said before, these negroes were not all from this county.

Question. Is it a fact that about McKinley the colored people are very numerous ?

Answer. Yes, sir.

Question. They are mostly republicans ?

Answer. Yes, sir ; that is my impression ; they generally vote that ticket, but they voted pretty strongly democratic at the primary election, two or three weeks ago.

By Mr. BLAIR :

Question. They voted at your primary election ?

Answer. Yes, sir.

Question. Did they say they were going to vote the democratic ticket ?

Answer. Yes, sir.

By Mr. BUCKLEY :

Question. In summoning posess of men at such a place as McKinley, do you ever summon colored men to assist ?

Answer. I have not summoned them yet. I intend to summon colored men, though.

Question. You never have summoned colored men ?

Answer. Yes, sir ; I have.

Question. At a meeting where colored men are very much in the majority, as a peace officer, do you not think it would have a peaceful effect to have a number of colored men summoned ?

Answer. I always do it at every election in this place ; I have sometimes as many as eight or ten.

Question. You have found it to work well ?

Answer. Yes, sir ; with the exception that they take more authority than a white man would take ; for instance, at this row, one man commenced with a club to knock them over the head, and I had to stop him.

Question. He was too zealous ?

Answer. Yes, sir ; he said he wanted to keep the peace ; I told him he had no right to use such violence. He said, " I did not know ; " he thought he had to knock down and drag out, if they did not behave themselves.

DEMOPOLIS, ALABAMA, October 26, 1871.

WILLIAM THOMAS ABRAHAMS sworn and examined.

The CHAIRMAN. This witness having been called by the minority, his examination will be conducted by General Blair.

By Mr. BLAIR :

Question. Doctor Abrahams, will you state your residence and occupation ?

Answer. McKinley, Marengo County, Alabama ; physician. I also have held the office of justice of the peace down there, since two years ago.

Question. State to the committee the condition of the county of Marengo, in regard to the preservation of peace and the execution of the laws generally, as far as you know.

Answer. As far as I am informed, general, this county has always been peaceable and

quiet, with not more than the usual exceptions of lawlessness, and they have been promptly arrested whenever they came under my jurisdiction. I have heard of two or three instances of lawlessness, but that is only hearsay. The first instance that occurred of any lawlessness was the Ncibling affair. I read his account of the affair in the newspapers.

Question. We have had that before us.

Answer. I supposed the committee had had that before them. We had a serious threatening of the peace of our town on the 14th day of this month.

Question. Give the committee all the circumstances that came to your knowledge in reference to that.

Answer. The first information I had of anything of the kind was when I was shown a letter addressed by Mr. William B. Jones to a citizen of our town, named Samuel E. Chapman, in which occurred the following language, so far as I am able to recollect it: "I simply write to inform you that I will address the citizens of McKinley and vicinity on Saturday, October 14, and as I have heard of numerous reports that my life has been threatened in the event of my doing so, I write to you, though a democrat, yet a fair-minded man, to give me a fair chance." That is a quotation from his letter. That letter was shown to me and several other citizens of McKinley—in fact, numerous citizens of McKinley—and our advice was asked in regard to answering it. The unanimous opinion of the citizens there was that we had never heard of any threats being made against Mr. Jones. He had spoken there twelve months preceding—just preceding the governor's election he had made a radical speech—and was treated, as we all thought, with kindness and courtesy, as he himself says. We had no indication of any threats of disturbance. About a week before that a negro came to me and told me that there was something going on wrong; that a negro came to him and told him that there was something going on wrong among the negroes. I asked him what it was. He told me at the commencement of the conversation that if he told me that, I must not tell his name; that he was afraid on account of his color; that if this report got out that he had told me, his life would be in danger. I told him I would not mention his name, and wanted to hear what it was. He told me that Mr. Jones had written a secret letter, which had been circulated among the negroes of that beat, in which he advised them that he intended to speak there on the 14th of October; that he came as their friend and a republican; that he had been threatened that in the event of his speaking there he would be killed, and he wanted them to meet him at Poplar Creek bridge, three miles from town, with arms, prepared to protect him. On the next day, Monday evening preceding the 14th of October, another negro told me the same thing. He made the same statement to me. On Tuesday morning I went down to town—I reside about a mile north of McKinley—and several citizens were there, and I told them what I had heard. During the day a good many citizens came to town, and we held a little meeting, and they advised me to address a letter to Governor Lindsey, informing him of the facts and asking his aid. I did so, and dispatched the letter by Mr. Steele and Doctor Allen. On Wednesday morning they left Uniontown on the train. They laid my letter before the governor, and also further information which they had, and which I did not write, and he telegraphed to Washington City for troops. No answer was received to his telegram for twenty-four hours, and on Thursday evening, about half an hour before the train was to leave to return to McKinley, they called by the governor's office, and he told them he had just received a dispatch from Washington, in which he was informed that if he wanted troops to telegraph to Louisville, Kentucky, for them. These gentlemen came home and brought me a letter from the governor. From their representations, and the letter of the governor, I saw the peace of the community depended entirely on what I should do in the premises. I then determined to protect the place at all hazards. I thought I had that duty under the law to prevent a riotous assembly. I went and got as many men as I could get. That was Thursday evening. I sent out for men, and Saturday morning they came there, and I made a few remarks. I told them that facts had been brought to my knowledge threatening serious disturbance of the peace on that day; that I had received information that Mr. Jones would not be there, and had so informed most of the negroes there, and the apprehensions that day were from negroes living in Wilcox County. I counseled moderation, and told them I wanted them to act under my directions entirely during that day. They agreed to it. I had taken the precaution the preceding night of closing the bar-rooms and all the stores, so no liquor could be had that day. We dispatched on Saturday morning three white men on every road leading into town, unarmed, to meet the negroes and tell them it was unlawful for them to appear in bodies in military style, arrayed with arms in their hands, and that they could not be allowed to come to town in such style; that, if they wanted to come in order to hear any political speaking or attending any meeting in any political assembly, I, as a citizen and officer of the law, had no objections, and the people of McKinley had no objection to their meeting there whenever they chose to; but they must come in a private manner. The party who went on the road leading north from the town to the rendezvous of Jones—I will state now that on Friday night I got the programme as it was told

me by a negro; that it was Mr. Jones's programme to leave Demopolis and arrive at Fawnsdale station on the Alabama Central Railroad. The train arrives there about sunrise. There he was to collect his adherents and march through the country to Poplar Creek bridge, about three miles north of town, on the Uniontown road—the party I dispatched on that road met at the place of rendezvous three or four hundred negroes. The great majority of them, I am informed by that party or that committee of gentlemen, were armed. They asked where they were going. They said they were going to town. They told them they would not be permitted to come into town in that way; that it was in contravention of the laws of the State and United States for persons to be arrayed in military style, with arms, to go to a political meeting. They remarked that they had been ordered by Mr. Jones to meet him there, and he had ordered them to bring arms, and they were to protect him. Upon being further told that Mr. Jones would not be there, and the time having elapsed already for his arrival at the place of rendezvous, they dispersed and went back home. I afterwards learned that forty or fifty of them passed a house near Uniontown, the residence of Mr. Coleman, and a little dog run out of the yard and they fired and killed the dog. There was nobody about the premises except the ladies, and it alarmed them very much. The committee I dispatched on the road leading south—Mr. Modawell, Mr. Steele, and Mr. King—when about two and one-half miles south of town, at the cross-roads, where there is a store, met a negro, who informed them that these negroes were coming, armed with drums, flags, and fifes, and officered by negroes dressed as captains. Mr. Modawell sent this negro, who was peaceably and kindly disposed, back, with a request that he should speak to them. They granted that request, and he made them a peaceable speech, he told me, in which he told them that in the way they were acting they were contrary to law; that no one had any objection to their coming to town, but they could not come in military style, with arms. That speech was treated with threats and menaces. They said they would come, and if the white persons made any demonstration they would wipe them from the face of the earth. Finally, some of the oldest and more peaceably disposed agreed to the proposition of Modawell, and that they would appoint a committee of three of their own color to come to town and make a reconnaissance and see the state of affairs. That committee did come, but before they came this party of riotous negroes advanced to within a mile and a half of the place; then, I suppose, deeming discretion the better part of valor, they returned. I will state further, that a reliable gentleman in Wilcox County informed me that the negroes in that portion of the county had divided out all the different stores there, with the exception of the drug-stores; that one negro was to take one store in town, and another to have the grocery, and another one another store, and so on, and that they intended to come up there and kill the white folks, but might spare some of the women for their own uses. I got that from white men and negroes, indiscriminately, that came up there in that crowd on Saturday. There the matter ended for that day. I would like to state further, that these negroes who made that riotous demonstration are discharged Federal soldiers. They were the garrison at Ship Island during the war, and were mustered out of the service at Mobile and came up, with many of their officers, and settled in Wilcox County, among them Mr. Reynolds, Mr. Richards and his son, Mr. Candee, and Mr. Henderson, and they have been living there ever since—that is, these negroes have. Mr. Reynolds resides now in Montgomery, and is State auditor.

Question. Were the negroes induced to come there by the representations made by Jones?

Answer. They stated so on that day, and stated on last Friday that Captain Mills, the commanding officer of the troops we have there now, in conversation, was told that they were told to come there; that Mr. Jones was to speak there, and they were told to come there and protect him in making his speech. But they did not say Mr. Jones had told them personally, but he had sent word to them; that was their expression to that officer. One of the negroes in the crowd talking to the officer—he was explaining to them and telling them they ought not to come, and must not come, and would not be allowed to come, in military style; that no one but the soldiers of the United States had the privilege of bearing arms in that style; of course the Constitution guarantees the right to every man to bear arms, but in a certain way—one of them walked out the crowd and, thinking he was out of ear-shot, said, "Boys, we'll try it on, anyhow, next Saturday week;" that is the day Mr. Jones has an appointment to speak. I have understood since I came to town that he has withdrawn that appointment.

Question. Tell us in reference to that appointment. Have any steps been taken in regard to it to preserve the peace?

Answer. Yes, sir. On Saturday I heard that remark I have just made, or threat by that negro, and on Sunday I went to Linden. I was called there as a witness before the grand jury. Monday morning I was told by persons from McKinley, and Dayton also, seven miles from McKinley, that negroes had been going through the country on Sunday, telling the negroes that Mr. Jones was going to speak, and Mr. Reynolds also,

there next Saturday, the 28th, and they must come there armed. Parties have been going all through the country telling that. They have gone down as far as Shiloh. When the fact came to my knowledge, I, with other citizens residing in McKinley, who were then in Linden, addressed a communication to the judge of the circuit court, now in session, (Judge Smith,) also to the probate judge, telling them that we apprehended a riot, and asked them to take some steps to prevent one there. Judge Smith, from the bench, the other day, called up the sheriff to advise him as to his duties in the premises, and told him it was his duty under the law to summon a posse of men, not to break the peace, but to prevent a breach of the peace, and if negroes, or any one else, with arms in their hands, attempted to enter the town with intent to commit a breach of the peace, it was his duty, as an officer and as a preserver of the peace, to arrest them. I will state that, in 1868, during the presidential campaign, Mr. Reynolds had an appointment to speak in McKinley, and we heard the same thing—that he intended to bring up a party of armed negroes for the purpose of protecting him there. Mr. Reynolds came into town on the morning of the day of his appointment, and I, with several other gentlemen as a committee, asked Mr. Reynolds, "Have you brought any armed negroes to this town to protect you, or are you going to have any here to-day?" He said, "Gentlemen, I have no idea of any such thing. I have not started with any." Then we told him what we had heard. He said it was all false. Then we arranged a joint discussion between him and Mr. Modawell. We went up to the Temperance Hall to have the discussion. Before the speaking commenced there were about two hundred or two hundred and fifty armed negroes, cavalry and infantry, with arms, sabers and swords and pistols, and everything imaginable conceivable weapon, marched up in front of the crowd where the speaking was, and halted and right-dressed, and everything of the sort, in regular military style, like on dress-parade—a captain commanding his squad of soldiers. It wasn't but a little while before they were ordered by Mr. Reynolds to go and stack their arms out there. The citizens became very much exasperated at that, because there had been no threats made at McKinley. It has been always a peaceable, quiet town, and the negroes had met and voted there whenever they chose. They have had their political meetings whenever they have wanted to, and nobody has ever interrupted them in any way; and every election the radicals have been down there electioneering with them, and nobody has ever said a word to them, except what would naturally occur between persons of opposite political parties. They will run one another, you know, about political opinions, but nothing of a contemptuous or insulting kind; no insults were offered or passed. I recollect Judge O'Connor, who was elected probate judge in 1868, at the election for the ratification of the constitution, came down to McKinley and staid there four or five days, and boarded with Mr. Chapman, the man this letter was written to, and he mixed freely with the citizens, and not a word was said to him out of the way. He will testify to that himself.

Question. Has any violence ever been offered to any radical speaker in that town?

Answer. Never, sir.

Question. Do you believe any threats were made against Jones?

Answer. No, sir; and I inquired particularly of men who I thought might have heard such threats, but I never have heard a single threat was made against Jones.

Question. What was his object in collecting all these armed men?

Answer. I presume his object was to create a disturbance between the blacks and the whites. The democratic party here having numerous candidates for the different county officers, they held what is called a primary meeting, where everybody could vote if they would pledge themselves to vote the democratic ticket at the election on the first Tuesday in November. A great many negroes had participated in that primary election, and I presume—I do not know, of course—but it is the presumption that his object was to array the negroes against the whites, so that whenever a black man was approached by a white man to get his vote for the democratic nominee for sheriff, there will be such animosity and hostility that the black men would not pay any attention to the white men. I cannot see any other object that he could have had but to promote his own ends.

Question. You think he is ready to endanger the peace of this community and bring about bloodshed for the purpose of subserving his own purposes—securing his election?

Answer. I think he has clearly shown it in that case.

Question. Were you at Linden when this affair took place, in which he was involved?

Answer. No, sir; I was not there. I do not know anything at all about it. I did not know, even, that he had an appointment to speak there on that day. If I had I should not have gone. I did not go to hear him speak at the governor's election, although I invited him to my house, and he took dinner with me on that day.

Question. Do you think it likely that the negroes would, especially in regard to local officers, divide their vote but for this continued and persevering attempt to keep up a bad feeling between the races?

Answer. Yes, sir; I am pretty confident of it; in fact, I know it, because we divided

the vote in this county in 1868, in the presidential election. Over seventy-five negroes voted in McKinley precinct for the electors of Seymour and Blair.

Question. The negroes preponderate there very much?

Answer. Yes, sir; they are in a large majority. We have a very slim white population—very scattered; in fact, there are only about twenty-five or thirty families living in the corporate limits of McKinley.

By the CHAIRMAN:

Question. Doctor, was there ever an organization in Marengo County known as the Union League?

Answer. Yes, sir.

Question. When did it exist?

Answer. It existed in this county in 1867. I think that it was the first I heard of it.

Question. How long did it continue?

Answer. I do not know. It did not continue but a very short while in my town. I was a member of it—president of the Loyal League of McKinley.

Question. Were you president of the Union League of this county?

Answer. No, sir; not of this county.

Question. Of that township?

Answer. Yes; of that beat.

Question. You mean by beat, I suppose, what is known as township elsewhere?

Answer. An election precinct.

Question. Is it ever called a township?

Answer. No, sir. Here are several townships in the same beat, or may be. They are not divided into townships, but beats and precincts.

Question. That is a definite geographical limit, the persons entitled to vote at a particular point?

Answer. Yes, sir. For instance, if we should elect two justices of the peace in this State from each beat, the persons living in that particular beat can vote in that beat for justice of the peace, and anywhere in the county for the office of sheriff or any other county official.

Question. Were you a republican in your opinions at the time you were president of the League?

Answer. No, sir.

Question. Was it not a republican organization?

Answer. Yes, sir.

Question. How did you come to be a member and an officer in it if you were not a republican?

Answer. I will tell you. The Loyal League, or Union League, was started by—I forget the man's name, but it was an old man who was a blacksmith up there, named Candle. It met twice before I became a member; but we heard of it. The first meeting we heard that he was holding of his Loyal League, I went to him and told him I understood he was a member of the Loyal League, and I wanted to join it. He told me he was, and said, "I will propose your name at the next meeting." He says, "I am president." I told him, "I wish you would do so, and also the names of one or two other gentlemen." I do not think, though, that they joined at the same time that I did. He proposed my name and I was elected, and I went and joined the League.

Question. Did you hear beforehand what were the objects of the League?

Answer. No, sir; I did not know anything about it.

Question. Did you know what the constitution was?

Answer. No, sir; I did not know anything about it.

Question. Had it a written constitution?

Answer. I found out afterward that it had.

Question. Was there any oath administered upon your initiation?

Answer. Yes, sir.

Question. What was the nature of that oath?

Answer. That I would be a loyal citizen of the United States, uphold and support the Government of the United States of America, and that I would vote for none for office except those who are loyal.

Question. You took that oath?

Answer. Yes, sir.

Question. Freely, and without any mental reservation?

Answer. Freely, and without any mental reservation.

Question. What was your motive for joining it?

Answer. To see what it was, and to keep down the excitement there that was necessarily induced by this man's actions. He had negroes meeting twice or three times a week, armed—a hundred and fifty or two hundred negroes parading about in the dead hours of the night—and as soon as it would break up outside of town they would fire off their guns. The people were alarmed, especially the women. We have a good many widows living about there with no one to protect them.

Question. You joined them to learn the purposes of the League?

Answer. Yes, sir; to find out the objects.

Question. How long did you continue a member or president of the League?

Answer. Two or three months.

Question. Did you ever withdraw?

Answer. No, sir, I just quietly quit.

Question. Did the organization cease to exist?

Answer. The organization ceased to exist. We quit meeting. I advised the negroes that there was no necessity of meeting, and they had better quit it; it was taking them away from their work, and getting them mixed up in politics; and the best plan would be to let it alone, and when they wanted to vote they would hear who was running, and they could go and vote without any secret organization like this.

Question. Was there anything in the constitution of the League that contemplated violations or disturbances of the peace?

Answer. No, sir; nothing that I know of.

Question. Did you profess at that time to the members of the League to be a republican?

Answer. No, sir.

Question. Were you at that time a democrat?

Answer. Yes, sir; I voted the democratic ticket.

Question. Was that generally known?

Answer. Yes, sir.

Question. Was it known by the members of the Union League?

Answer. Yes, sir.

Question. So they accepted members without any reference to political sentiments?

Answer. They had no elections from the time I joined until it was broken up.

Question. Was there any opposition made to membership on account of political sentiment in the cases of those who were proposed?

Answer. No, sir, not in our concern up there, for we run it ourselves.

Question. Who do you mean by "we?" the democrats?

Answer. Yes, sir. Four or five other democrats joined it with me. They elected me president, and took charge of it.

Question. Joined it for the purpose of destroying it?

Answer. Joined it to see what it was, and to keep the negroes in a quiet and subdued position. That is what I joined it for. So with all the rest. We were all men of conservative principles.

Question. Was that known to the negroes to be your purpose in joining it?

Answer. No, sir, I did not tell them my purpose. My purpose was to see what it was.

Question. You did not sail under false colors in becoming a member of the order?

Answer. No, sir, I did not. They elected me the president because this white man that had charge of it could hardly read or write.

Question. Were you supposed to be in accord with the negroes in your political sentiments at the time they received you as a member, and made you president?

Answer. No, sir, I do not know that I was.

Question. Did the negroes suppose that you were in accord with them?

Answer. They knew I was a friend to them. I have been giving them good advice all the time. It was before politics had been much spoken of. There was no political excitement then. It was just commencing; that was in 1867, and we did not have an election until February, 1868, for the adoption of the constitution under the reconstruction acts of Congress.

Question. The republican party existed at that time, did it not?

Answer. It existed North.

Question. But not here?

Answer. Well, I suppose it did; the reconstruction party did. There was a party in favor of reconstruction, and a party opposed to it.

Question. Were the negroes all in favor of the reconstruction measures?

Answer. A great many were; the great majority were.

Question. Were you?

Answer. No, sir.

Question. Did they suppose you were in favor of the reconstruction measures?

Answer. That question was never broached in our League meeting. There never was any questions of politics broached while I belonged. The only thing we did was to initiate members, and I advised them then to be good citizens, and attend to their own affairs.

Question. After you became a member, what did you discover to be the distinct objects of this association?

Answer. I soon found out that if the objects of the Loyal League were carried out it was a republican measure. I found that out myself, but did not inform the negroes

Question. That it was in favor of the reconstruction measures, and carrying them into effect?

Answer. Yes, sir.

Question. And you were opposed to those measures?

Answer. Yes, sir.

Question. Did you so announce to the negroes?

Answer. No, sir, I did not.

Question. You kept your sentiments to yourself?

Answer. Yes, sir; I never was asked that question. Politics was never sprung while I was a member.

Question. Did the negroes suppose you were in accord with them in supporting the reconstruction measures?

Answer. We were not in support of anything at the time. They did not know what was going to take place.

Question. You have acted always, as I understand, in harmony with the democratic party here?

Answer. No, sir; I have voted for the republican candidate for Congress in this district, Mr. Hays.

Question. At his first election?

Answer. Yes, sir.

Question. Is that the only exception to your voting the democratic ticket?

Answer. That is the only exception I know of where I voted the republican ticket. I voted for Hays, on personal grounds, in opposition to Mr. Dustin, an independent candidate. I was not a member of the republican party. Charley Hays and myself were old school-mates, and I believed him to be a better man than Dustin.

Question. There was no democratic candidate?

Answer. No, sir; there was a democrat, who was a candidate; Doctor Reed, of Tuscaloosa, was a candidate at that same election.

Question. Referring to what you have said relative to the disturbances at McKinley, did you understand that the negroes had any other purpose in assembling there than to protect Mr. Jones, their candidate, from violence?

Answer. Well, as I stated in my testimony, I had heard that the negroes had divided out the different stores, &c., in town.

Question. I am speaking of the general purpose among the negroes?

Answer. No, sir; I suppose the general purpose was to come up to town to protect Mr. Jones in his speech.

Question. This band of negroes, you understood, which divided out the stores, came from a neighboring county?

Answer. Yes, sir, and from the lower portion of Marengo, bordering on it.

Question. From whom did you understand that it was their purpose to take possession of the stores and divide them out?

Answer. I heard it from half a dozen different sources.

Question. From white or colored men?

Answer. Both. A white man told me one of the colored men who was to take possession of a certain store said that he did say that, but he was merely joking, after the thing was found out.

Question. Were those stores in McKinley?

Answer. Yes, sir.

Question. You never heard any negro avow any such sentiments yourself?

Answer. No, sir.

Question. Has any one ever been arrested for a riot connected with that matter?

Answer. No, sir.

Question. Have any arrests ever been made of any of these negroes there?

Answer. No, sir. The facts were laid before the grand jury of the county. I do not know what they did with it.

Question. What was your information that these negroes were to do with the white women?

Answer. The information was that they were to kill out the white men and keep the women for their own use.

Question. Is it not quite possible that this matter has been misrepresented to you?

Answer. It is possible, but I do not think it at all probable.

Question. Has there been anything in the conduct of the negroes hitherto that would justify you in believing them capable of perpetrating such an outrage as that?

Answer. In coming to town when Mr. Jones spoke, some twelve months ago, they came armed.

Question. I speak of such an outrage as killing off the white men and taking possession of the stores, dividing the goods among themselves, and appropriating the white women to their own uses. Has there been anything in the language or conduct of the colored people heretofore that would justify you in entertaining such a belief of their purposes as that?

Answer. Yes, sir; because up in that neighborhood that Wilcox crowd are the persons who made the threats of that character; not the negroes immediately adjacent to the town. It was those from the lower part of the county, and Wilcox County, as I said. They were Ship Island discharged soldiers, capable of any deed, in my opinion.

Question. You think so simply because they were Union soldiers?

Answer. Not at all; but because they have been under bad influences, and have been led to believe that if the white man said anything in a political assembly it was their right and duty to shoot them down.

Question. Who gave them such instructions?

Answer. These men that have been right down there. General Swayne had to send down and have them stopped from drilling before the governor's election.

Question. What men?

Answer. Mr. Reynolds and Henderson, and men of that class.

Question. Who was Mr. Reynolds?

Answer. State auditor.

Question. Who is Henderson?

Answer. I think he is a member of the legislature from Wilcox, though I am not certain.

Question. Have you any well-grounded reason for believing that these gentlemen ever uttered any such sentiments to the negroes?

Answer. Only from the action of the negroes. That is what I base my opinion on. I never heard any one of them say a word in regard to it.

Question. Have you ever conversed with any white men who had heard them utter any such sentiments?

Answer. No, sir.

Question. Is it not quite possible that these gentlemen have been maligned in this matter?

Answer. It is possible, of course.

Question. Is there any prejudice entertained against these negroes of Wilcox County, who were Union soldiers, because of the fact that they were Union soldiers?

Answer. No, sir; not until they commenced cutting up—at least not to my knowledge.

Question. I think you have stated already that the negroes who were on their way to McKinley stated themselves that their object was simply to protect Jones?

Answer. Yes, sir.

Question. Did they regard Mr. Jones as their friend?

Answer. I presume they did; yes, sir, they looked upon him as their leader.

Question. Has he great influence with them?

Answer. Very great.

Question. Mr. Jones is a native of the State of Alabama?

Answer. Yes, sir.

Question. Was he raised in this county?

Answer. Born and raised here.

Question. And, until lately, has enjoyed the confidence of the people?

Answer. Yes, sir.

Question. A man of good moral character?

Answer. He is, so far as I know, sir.

Question. At that time a member of the democratic party?

Answer. Yes, sir; for six weeks, I think, preceding the presidential election he whopped over on that side.

Question. He made a good many speeches during that time in favor of the Seymour and Blair ticket?

Answer. I think he did; I do not know how many; he made some.

Question. Were his meetings pretty well attended by the democrats?

Answer. I heard so; I never was at one.

Question. His sentiments were applauded at that time?

Answer. Yes, sir; I presume so.

Question. They spoke very well of his efforts in the cause of the democratic party?

Answer. I believe so. So far as my information extends they did.

Question. They had faith in him then?

Answer. No, sir; I do not think many people had faith in him. I know I had not.

Question. He had been in the confederate army, had he not?

Answer. Yes, sir.

Question. All through the war?

Answer. No, sir. He was discharged, I think, the second year of the war. I do not think he remained in the army more than eighteen months.

Question. He displayed all becoming zeal in behalf of the confederate cause, did he not?

Answer. Yes, sir; I believe he did. He made a good soldier while in the army, so far as I know; I was in the same company with him.

Question. Was he originally in favor of secession?

Answer. I do not know; I think he was rather opposed to secession until after the election of Lincoln; I think he was a Bell and Everett man, if I mistake not.

Question. Was he an officer in the confederate army, or a private?

Answer. A private.

Question. After the war did he co-operate with the democratic party?

Answer. I do not know, sir, whether he did or not.

Question. You spoke of Mr. Reynolds in 1868 having an appointment at McKinley and making a speech there. Is that the same gentleman who was elected State auditor?

Answer. Yes, sir.

Question. Did you hear his speech upon that occasion?

Answer. I did, sir.

Question. Was there anything in that speech which tended to create antagonism between the two races?

Answer. No, sir; not a word.

Question. Was there anything in the character of his speech which you could condemn, beyond his advocacy of republican principles?

Answer. No, sir. The citizens up there did not condemn anything he said, except so far as they were adverse to their own opinions. There was nothing calculated to array black people against white in his speech. We all thought he gave black people very good advice, except to vote the republican ticket.

Question. There was no riot or disturbance of the peace?

Answer. No, sir.

Question. Have you heard Mr. Jones express, publicly or privately, any sentiments which led you to express an opinion that his object is to create a disturbance between the races for the purpose of promoting his own ends?

Answer. No, sir. I have never heard him make a public speech at all.

Question. Your opinion, then, is based upon what?

Answer. Upon the information obtained from those negroes, as I have told you.

Question. From men who have heard him address the negroes?

Answer. No, sir; from negroes who themselves told me he had written them a letter in which he advised them to do these things.

Question. Did you understand that that letter invited them to do anything else than to assemble for the purpose of protecting him from violence at the hands of the whites?

Answer. No, sir; that was his object. That was what he advised them to do. That was what those negroes told me.

Question. Was the letter written after the disturbance at Linden?

Answer. It was written before, I presume. It was written somewhere, according to the best information I can get, between the 23d of September and the 8th of October. My informant told me it was read on the 8th of October to a large congregation of colored people, from the pulpit; and I know, of my own knowledge, that a great many negroes were in town that week buying buckshot; and a gentleman told me he heard one negro tell another negro he must come to town on that day, and bring his gun with him, and load it with sixteen buckshot, and if a white man said a word he must be shot down.

Question. You have expressed the opinion that the negroes would divide their vote, but for the influence of such men as Doctor Jones, and that, in point of fact, seventy-five voted for the Seymour and Blair ticket in 1868. Have you any idea that a solitary colored voter would vote the democratic ticket unless influences were brought to bear upon him by his employers, or by men who controlled his bread?

Answer. Yes, sir; several of them are democrats up there, and I believe they are democrats in themselves without any influence being brought to bear upon them. They have heard democratic speeches and believe in them. We had a democratic club in McKinley in 1868, in which we had sixty or seventy members who were negroes. Of course the great majority of them are influenced, easily influenced, but not so easily influenced to be democrats as republicans, because they tell me the republicans throughout the county tell them that, if the democrats get into the ascendancy, they will put them back into slavery. They hold that whip over them to keep them in the ranks.

Question. Has any instance come to your knowledge where the employers of negroes have sought to control their votes?

Answer. Not by more than the usual means—talking and persuasion. We all do that; I do it myself. I go to my negroes previous to election and have a talk with them, and advise them always to vote the democratic ticket. Some of them do it; some do not. I never have told them that I would turn them off if they did not, and I have not done it; I have one of the biggest radicals working for me. I talk to him to convince him of the error of his ways, but as yet I have failed; I may after awhile succeed.

Question. Do the negroes generally behave well in this county?

Answer. Yes, sir; as a general thing they have.

Question. Have they been quiet and orderly?

Answer. Yes, sir.

Question. You have heard of several instances where people have been visited by men in disguise in this county?

Answer. I have heard of two instances; only one instance in disguise, however, and that was this account, as I have stated, of a man named Neibling; I believe I got my information from the newspapers.

Question. Did you ever hear of the murder of Robin Westbrook in this county—a colored man?

Answer. No, sir; not until recently; I never heard the particulars of it; I live some thirty miles off from there.

Question. You take the democratic paper published in this county?

Answer. No, sir; I take it now, but not until within two or three weeks ago.

Question. Did you ever hear of the whipping of any negroes supposed to be concerned in firing upon Doctor Smith?

Answer. No, sir; I never heard of that.

Question. You heard of certain negroes being arrested and put in jail?

Answer. Yes, sir; and I heard of the firing upon Doctor Smith.

Question. But you never heard of any negro being whipped to compel him to disclose who the men were?

Answer. No, sir; the first information I ever received of that fact is right now.

Question. Do you not think from what you heard of the affair at Lincoln, the other day, that Mr. Jones has pretty good grounds for apprehending violence in making republican speeches?

Answer. From what I have heard of that difficulty, I think Mr. Jones is one of the main causes of bringing it on. I do not think a political speaker has the right to abuse a man.

Question. Do you think it is their right to threaten his life? Would it not be more proper in them to withdraw, if the sentiments did not suit them?

Answer. I do not think a public speaker has the right to get up publicly and abuse another man personally.

Question. Do you not think it would be more proper, if a person disapproves of his sentiments, to withdraw from the crowd?

Answer. Yes, sir; but we are not all Christians and charitable people, you know, and sometimes like to smite back when we are smitten.

By Mr. BLAIR:

Question. You spoke of Reynolds, the present auditor of the State; when he came to your town you had heard the rumor that the negroes were coming up from Wilcox with arms in their hands, and went to him?

Answer. Yes, sir.

Question. And he disclaimed that they were coming, and assured you that it was no such thing.

Answer. Yes, sir.

Question. Do you suppose he knew the fact that they were coming?

Answer. I was credibly informed afterward that he knew it, and started with these negroes from Mr. Glover's plantation. I was one of the committee, and he told me that there would not be an armed negro in that town, with his consent, on that day. I afterward learned from respectable sources—Mr. Glover was one—that Mr. Reynolds was with that crowd that morning; that he was on horseback, they on foot; and he started to reach the town half an hour before they did.

Question. You say you never heard Doctor Jones make a speech; you have heard of his speeches?

Answer. Yes, sir.

Question. What is the reputation which those speeches have in the county, and what is the character of the speeches which he makes?

Answer. They have always been represented to me as being inflammatory appeals made to the passions and prejudices of men.

Question. Inflaming them against the white people?

Answer. Yes, sir; against the democratic party especially, and they are composed principally of whites.

Question. Are such speeches calculated to inflame and excite the violence of people as ignorant as negroes are?

Answer. Yes, sir; so far as I have been informed.

Question. You have evidence that he has excited the negroes?

Answer. Yes, sir; I think I have, at least, from what I have detailed heretofore, in advising them to come armed, and meeting them at a certain place of rendezvous.

DEMOPOLIS, ALABAMA, *October 26, 1871.*

GEORGE JONES (colored) sworn and examined.

By the CHAIRMAN :

Question. Where do you live?*Answer.* At Mr. Joel Lipscomb's, two miles this side of Jefferson, Marengo County ; he keeps a steam mill out there.*Question.* How long have you lived there?*Answer.* I was raised just about twenty miles below Linden, thirty miles of Mr. Lipscomb. I have been living with Mr. Lipscomb going on two years now.*Question.* State to the committee if you know of any cases where colored people have been whipped, shot at, murdered, or otherwise outraged in this county.*Answer.* I know there are some have been whipped, and some have been cut at Jefferson. Mr. John Beamer cut a black man there at church one Sunday—at the black people's church ; he cut the man about a black woman that staid at Mr. Dave Bush's.*Question.* When was that?*Answer.* That was along this summer ; along some time in July.*Question.* In the night time or day ?*Answer.* In the day-time.*Question.* While church was going on ?*Answer.* No, sir ; it was at dinner time, while they were all out ; he had taken him to question him, and he cross-questioned, and he said he disputed his word, and he just cut him.*Question.* Was anything done to Beamer ?*Answer.* No, sir ; Judge Oakley was with him at the time it was done. There was nothing at all done with him about it.*Question.* What other case have you known of ?*Answer.* The last is here, about two weeks ago ; up here at Mr. Simmons's, old Mr. Louis Simmons ; Mr. Walsh Elkins, and Wade White, and John White, went up to Louis Simmons's, where they had preaching on Sunday, and made some black men take their breeches down, and wanted to whip them, and said the black men had accused them of killing their hogs ; they had their pistols drawn on them, and some other black man went off for Mr. Simmons, the employer ; before he got there, they were gone.*Question.* Did they whip this man ?*Answer.* No, sir ; some one went off immediately for Mr. Simmons, and they were afraid he would come, and they didn't whip him.*Question.* Was this in the day-time ?*Answer.* Yes, sir ; on Sunday, in the day-time.*Question.* At the colored people's church ?*Answer.* Yes, sir ; and me myself they had caught. Mr. Oakley and another young man, with him from Linden ; I don't know that young man from Linden ; I was not acquainted with him. They wanted to take me and whip me. Mr. Oakley inquired of Mr. Ab Williams (it was right before his door) if he had any scissors to sell. He says, "Sell me a pair ; I want to cut off this damned son of a bitch's hair." He said, "That won't do." He said, "Lend me a pair." He said he would not. He wanted him again to sell him a pair. He would not ; he said he would not do it, and not to bother the boy, he wasn't doing anything ; then he would not let him have the scissors ; and he took his pocket-knife and cut two bunches, two hands-full, of hair out of my head with his pocket-knife. There were men standing there saw it done.*Question.* What grudge had he against you ?*Answer.* When I first went to Lipscomb's I went with an Irishman. He hired me here in town, and carried me out there to stay with him ; and the Irishman got a notion of marrying, and wanted me to leave Lipscomb's ; I wouldn't do it ; and Mr. Oakley was very thick with the Irishman, and because I wouldn't follow the Irishman he wanted to whip me about it ; and he said I thought myself a white man ; because I had been at Lipscomb's, I thought myself as large as Joel Lipscomb, sitting up in a carriage ; that he was going to put me in a nigger's place ; that I thought I was a white man, and was getting too high.*Question.* You call him Judge Oakley ; of what court was he judge ?*Answer.* He was a judge in the time of the war, I think. I think that is the way it was.*Question.* Is he a man in good standing ?*Answer.* No, sir ; he was not respected anywhere, by anybody, white or black. I know he was not respected by any black people that I know of. But he is dead now ; he died last Saturday. And Mr. John Beamer is dead ; he died about two months ago. They were the two worst men in that beat for bothering people ; and they were men who caused pretty much all the rows in that neighborhood. Since Mr. Beamer has been dead, it has been pretty calm down around that settlement. Mr. Oakley, though, has been going about trying to run over them.

Question. Have you ever seen any men in disguise, or Ku-Klux, traveling through the county?

Answer. No, sir; I have never seen none.

Question. Have you ever heard of them?

Answer. Yes, sir; I heard of some that went to Jefferson one night, and killed a black man.

Question. Who did they kill?

Answer. Old man Robin Westbrook.

Question. Did you ever hear of their committing any other violence?

Answer. Nothing more than just whipping people when they met them; they met them often at nights; they waylaid the road for people.

Question. Did you hear of their whipping many negroes?

Answer. O, yes, sir; I know there has been a great deal of that done.

Question. Have you talked with any of the negroes who were whipped?

Answer. Yes, sir; I have talked with some of them that has been whipped.

Question. What did they tell you?

Answer. There was a man is here now was one of them.

Question. Who is he?

Answer. I forget his name; he worked there with me awhile; I forget his name. They took him on a Saturday evening, I think it was, and Walsh Elkins drew a gun on him, and made him stop, and let Mr. John Beamer beat him. They cut great gashes in his head; they struck him over the head with a light-wood knot. Walsh Elkins drew his gun on him and made him stop. Wade White was with him at the time.

Question. What other negroes have been whipped?

Answer. I know Mr. Oakley whipped Sam White. I saw him knock him over the head with a stick my own self.

Question. I am speaking particularly of cases where negroes have been whipped at night, by men in disguise; have you heard of many such cases as that?

Answer. No, sir; I have heard of but one case of that kind, and that was when that man was killed.

Question. Westbrook?

Answer. Yes, sir.

Question. Was there a man whipped the same night?

Answer. No, sir, not that I know of; they killed a man that night. The night these men were seen a man was killed—Robin Westbrook. I understood he was shot and beat to death.

Question. What other negroes have you heard of as being whipped or otherwise outraged by the Ku-Klux, beside these you have mentioned?

Answer. I do not think there is any more, sir, to my recollection; there was one Dr. Smith beat a black man very bad down in Jefferson, one night; I don't remember his name; he lived down with Mr. Whitfield.

Question. Did you see the black man after Dr. Smith beat him?

Answer. Yes, sir; he knocked him down with a club, and he lay there like he was dead, for a minute or two.

Question. Was he badly injured?

Answer. Yes, sir; Dr. Smith cut great gashes in his head.

Question. Did you see that?

Answer. Yes, sir; and plenty more men saw it.

Question. What kind of a stick did Dr. Smith strike him with?

Answer. It looked to me like a hickory stick.

Question. Did he do anything more than knock him down?

Answer. No, sir.

Question. How came it?

Answer. They said he stole some pants out of a store, and they sent some black men down the road to overtake him, and when they overtook him he didn't have the pants, and they sent some back, and they searched around and found some pants, and because he wouldn't acknowledge he took them he knocked him down, and the store wasn't his own neither; it was down in Mr. James Williams's store.

Question. Do you know who it was made the attack upon Dr. Smith?

Answer. No, sir. I was not at home at the time that was done. I was in Selma.

Question. There are certain men in jail now for that?

Answer. Yes, sir; they say so.

Question. What do you know of any men being taken up and whipped, in order to make them confess who it was that fired upon Dr. Smith?

Answer. That is what I heard when I got home. I heard that was done; that Mr. Oakley, and, I think they said Mr. Tob Kelly, whipped the boys to make them say it was them shot at him.

Question. How many, did you understand, were whipped to make them confess?

Answer. I do not think but one; he was whipped badly.

Question. Lewis?

Answer. Yes, sir, Lewis.

Question. Did you hear that any others were whipped?

Answer. No, sir; not to my recollection; anyhow, I heard that he was whipped badly; he was impudent, they said, and talked too independent, and they beat him mighty badly, and made him own up.

Question. Did you hear that they made him give the names of certain persons who fired on Dr. Smith?

Answer. No, sir.

Question. What did you hear they made him confess?

Answer. I heard they made him say it was him, and Green, and Jack, and them other boys, that shot at Dr. Smith; but he said that Jack didn't shoot; that Jack never shot at him; that Jack fired his gun at the time they were shooting, but never shot at him; that is what I understood he said.

Question. How did it happen, if there were so many shooting at Dr. Smith, with a purpose of hitting him, that he never received any wound at all?

Answer. I don't know how that happened; they said he went up to one black man's house to see a sick child, and was coming riding out of the gate, to come out and off a piece, and they began to fire at him, and he just put spurs to his horse and went.

Question. Is it supposed they intended to hit him, or scare him?

Answer. I do not know. I never heard anybody say whether the boys went there with the intention of killing him or not.

By Mr. BLAIR:

Question. Did you not hear it said that they meant to kill him for striking that negro?

Answer. No, sir, I never heard that they said that, because I know some of the boys they have got in there; I am very well acquainted with them, because I had some of them hired, working with me, and I never heard them say nothing of the kind.

Question. You do not suppose they would tell you they meant to kill him?

Answer. I don't know, sir. I was very well acquainted with the boys.

Question. If a man is going to kill another, he would not be likely to tell you?

Answer. There is one thing makes it hard on the boys; there is some of the boys that married gals that white men had been keeping, and they were bitterly opposed to it, and that is what made them beat them so bad as they did.

Question. Beat who?

Answer. These boys in jail; some of them married girls those white men had been keeping, and they were against them, and didn't want the boys to have them; and they would have them; that was the occasion of his beating him as bad as he did.

Question. Who did you hear beat them?

Answer. Mr. Oakley, Mr. Tob Kelly, so I heard; and they said Tob Kelly said, "By God, it was no use to rear," and "they all had this country and power, and intended to hold it."

Question. Who did he say that to?

Answer. He spoke to the boys they had prisoners; this here Lewis was stout and hearty, an independent sort of a fellow, and he made that remark to Lewis.

By the CHAIRMAN:

Question. Were these boys who were in jail here, boys of good character?

Answer. Yes, sir; they were respected by men, except them men that had charge of them, bringing them here, because they were against them anyhow, on account of them gals; they were good, respectable boys; some of them carriage-drivers and superintending around the house.

Question. You do not believe they were concerned in shooting at Dr. Smith at all?

Answer. No, sir, I never have believed it.

Question. You believe they were arrested and put in jail just because they had interfered with the lusts of these white men?

Answer. Yes, sir; that is just what I thought, and I think it yet; and I think that is why they did me as they did; I married, and they didn't want me to marry; they said if I married that gal, I would have to quit the country.

Question. Who told that?

Answer. Mr. Oakley said so.

Question. Did he claim her?

Answer. Yes, sir, he would claim any one else's.

Question. Was he a man in the habit of associating with the colored girls?

Answer. Yes, sir, he was that; Mr. Tob Kelly is another, and Mr. George Whitfield is another; he has got one now; Mr. Watt Bradley is another; he has got one now; he attends to the business for Mr. George Whitfield. If I was to go to Jefferson to-night, and would be talking to one of the girls, and he would hear me, he would come and knock me.

Question. Is it a common thing for white men in this part of the country to sleep with colored women?

Answer. Yes, sir; that is known by everybody about this country. If they don't let it be known to other people, the people all around the settlement knows it, white and black. Mr. Press Chaney is another that has got a black girl.

Question. Are these all married men?

Answer. No, sir; they are not any one married.

Question. All young men?

Answer. Yes, sir; they are not right young, but settled men, about like that man, [sergeant-at-arms;] and old man Beaman is almost as bad; he is about like that man, [Mr. Pratt;] about that age. They have rode there at Mr. Lipscomb's lots at night.

Question. Do the colored women prefer white lovers?

Answer. Yes, sir, they do.

Question. Was Lewis whipped before he was put in jail?

Answer. Yes, sir; he was whipped between where he was taken up and in jail.

Question. Did you understand that Dr. Smith was present when Lewis was whipped?

Answer. No, sir; I don't know whether he was present or not. They whipped some of them right at Jefferson—right in Jefferson; at the time Mr. Kelly made that remark about him having the country in power, they beat them then.

Question. How many were whipped or beaten then?

Answer. I don't know exactly; I am sure Lewis was whipped, because he was sore and sick from the beating after he was put in jail.

Question. Did Dr. Smith live in that town—Jefferson?

Answer. Yes, sir; right there.

Question. Do you suppose this beating was done with Dr. Smith's knowledge?

Answer. I don't know, sir; I can't be sure about that.

Question. Dr. Smith is regarded as a very good man, is he not?

Answer. Yes, sir; he always has been.

Question. Respected by both races?

Answer. Yes, sir; by white and black, up to the time old man Robin was killed; and I heard he had a hand in that; I heard he was the occasion of his being killed. And since then the people are all down on him, ever since his death; some of the white people, even, are down on him.

Question. What did you hear Dr. Smith had to do with the death of Westbrook?

Answer. Dr. Smith had him hired, and he wouldn't work at the place long, and kept quitting Dr. Smith, and somehow Dr. Smith had him put in jail; and somehow he got out of jail and went back, and Dr. Smith went to the neighbors in Jefferson; and they said they gave him so long to get away from there, to get out of the town, and he wouldn't do it; and Dr. Smith said he threatened to burn up his house, &c., and said if he didn't leave the town he would wish he had; and from that talk, and the death of him, the people think he was the occasion of his being killed.

Question. That is rumor; you do not know that that is true; you do not know that Dr. Smith ever said these things?

Answer. No, sir; that is what I heard. I did not hear him say so.

Question. Were Oakley and Kelly friends of Dr. Smith?

Answer. Yes, sir; they were all thick.

Question. Were they intimate?

Answer. Yes, sir.

Question. Did Dr. Smith associate with them?

Answer. Yes, sir. The reason I say so was, because he was doctor, and they got sick they would send for him.

Question. Do you mean that he was a companion with them, and would join them in conversation in general?

Answer. No, sir; I never saw Dr. Smith in company with them, except at Mr. Williams's store, the night they beat that man; it was no time from that that old Robin, was killed. That was the first time I saw him mixed with these men that were fighting.

Question. Did you see Westbrook after he was killed?

Answer. No, sir; I didn't see him. The old woman, Robin's wife, said the men made the remark that night, "You're dead, and you may stay here now until we put you away, and if anybody puts you away we'll put them away;" and so black people were afraid to go there, and then Mrs. Westbrook had two or three men to come and bury him that evening, any way.

By Mr. BLAIR:

Question. Who is Mrs. Westbrook?

Answer. Mary Westbrook—Mr. Lipscomb's sister—the sister of the man I lived with.

Question. She had him buried?

Answer. Yes, sir; I don't know as she sent them to bury him, but the men working on her place went and buried him.

Question. Who did Robin Westbrook's wife say killed him?

Answer. She said Dr. Smith was there for one; she said she was pretty certain; and John Ellis; and she said Watt Bradley.

Question. Who else?

Answer. That is all I heard her say; she called them names.

Question. She spoke very positively about them?

Answer. Yes, sir; she said she could not see their faces; but she was right there with them, and knew them all her life pretty well; and knew the shape, and how the men were made, and just went from that—by the legs and shape.

Question. Knew the voices too?

Answer. They sort of changed the voices, but she said, at the time they were killing him, and going on, they would speak so that she could catch the voices; they would forget, I reckon, and speak in a way they didn't want to speak.

Question. When did you hear her talking about it?

Answer. In a day or two afterward.

Question. And frequently since?

Answer. Yes, sir; about three or four weeks ago, here in town.

Question. Have you heard her talk about it to-day?

Answer. No, sir.

Question. Or yesterday?

Answer. No, sir. I have not seen her for two or three weeks.

Question. You are sure she said Dr. Smith was there?

Answer. Yes, sir; she said she was certain he was there—like it was done to-night. Dr. Smith was missing from home, and was gone two or three days, and when Dr. Smith did get home he went in bed; he was wounded or got hurt; that is what made her believe it was Dr. Smith who was home; that he was one. I know Dr. Smith was sick, and was away from home, because I went to Jefferson, where he lived, and he was not at home, and his wife said she didn't know where he was; that he went off that night, and she didn't know where he was, and when he did come home he came home wounded; she said that there was a man got wounded, and they picked him up and carried him off, and left her husband lying there; that is the reason the man said, "I have killed you now, and you will lie here until I put you away;" it was most day, and they hurried off with this wounded man, and Dr. Smith was missed from home two or three days.

Question. Did she say she recognized Dr. Smith by his size and shape?

Answer. Yes, sir.

Question. The man that was struck was about his size?

Answer. Yes, sir.

Question. He was badly wounded?

Answer. Yes, sir; because he lay in his bed some time.

Question. Whereabouts was he wounded?

Answer. I never learned whereabouts.

Question. What was he struck with?

Answer. I don't know, I didn't ask; they said the old man was fighting when they were shooting at him, and he hit him with something, I never learned what.

Question. She was very positive about Smith?

Answer. Yes, sir, about Smith and Johnny Ellis; a little low duck-legged man; anybody could tell him when they saw him.

Question. She knew him?

Answer. Yes, sir; she was pretty certain about him, because when they started off he dropped his hat—he must have been excited some way—and when he got off a piece, some one hollered to him, "John, where's your hat?" and he ran back, and got his hat.

Question. Who else was it she said she knew?

Answer. Them, she said, she was pretty certain of, but the balance of them—Watt Bradley, she spoke of him, and thinks he was one of them; he stays at Mr. George Whitfield's, and attends to business for him; that is what she said.

Question. When did she tell you that—immediately after he was killed?

Answer. Yes, sir; directly after he was killed; she was going about there, and troubled, and didn't know where to go to be safe; that they might kill her; she said when they came in that night, they told her to stand back and make herself easy; that they wanted her boy, Robin, but didn't want her. "We want your Robin, and don't want you; make yourself easy."

By the CHAIRMAN:

Question. Did she think they were all white men who came there and killed her husband?

Answer. I heard her say she thought there was some black men with them, because

there was a crowd of men that staid out of doors, and the ones that staid out of doors, she thought, was black men.

By Mr. BLAIR :

Question. She says she went out, and one of the men out of doors had no cover over his face, no disguise.

Answer. I never heard her say that.

Question. Did she not say she went out while these men were attacking her husband?

Answer. I never heard her say she went out. She said a crowd was standing out doors, and she thinks they were black men ; when they started off, that was the time this man dropped his hat, and she was out doors then.

Question. What made her think those out of doors were black men?

Answer. I don't know ; it may have been from the actions. I heard her make that remark ; in fact I have known some black people were very thick with them myself ; whether they went with them in such a thing as that I don't know ; I mean thick with Mr. Oakley and them men.

Question. Did she say Oakley was there?

Answer. O, yes ; she said he was there ; she knew him by his walk ; he was a short-legged man, a crippled man, one long leg and one short one.

Question. That makes four ; Watt Bradley, Oakley, John Ellis, and Dr. Smith?

Answer. Yes, sir ; I heard her call them names, and what made her believe so strong of Dr. Smith was his leaving home that night, being missed from home and coming home wounded. When the men took him away from the house to kill this man, they didn't go toward Dr. Smith's house with this wounded man, but back toward the woods, down toward Judd Oakley's.

Question. There was a coroner's inquest over the body, was there not?

Answer. No, sir ; I don't think there was.

Question. Did not Mr. Jackson, a lawyer, come there from Linden?

Answer. No, sir ; not as I know of. I didn't go out there, though.

Question. Did she make any complaints against these people to the authorities?

Answer. No, sir ; she was scared to do it ; she was afraid to say anything.

Question. She told you?

Answer. No, she was not talking to me, but talking to people at church ; I heard them talking right in the church-yard.

Question. To the black people?

Answer. Yes, sir.

Question. Do you know what black people she was talking to?

Answer. No, sir. I think Jim Finch and Jim Finch's wife, and Sam White. I don't know who, but I know there was a whole crowd, and it was shortly after he was killed ; and I heard her make use of them words right there at the church-yard, at the same time the white men were then lying around the church. They would go and lie around the church as long as there was anybody on the ground. That is how she came to start to talk about them ; they rode up in the church-yard, and they commenced talking about it.

Question. Did these men Oakley, Smith, and the rest ride up?

Answer. No, sir ; Oakley and Beaman rode up to the church-yard.

Question. Did she know Beaman was there?

Answer. Yes, sir. She said, "You is the two grand rascals now that took my husband's life."

Question. Beaman and Oakley?

Answer. Yes, sir ; and she went on and called Mr. Watt Bradley's name, and John Ellis's name, and Dr. Smith.

Question. She spoke as if she was perfectly certain?

Answer. Yes, sir ; she talked like she was willing to go any place and say so.

Question. You do not know whether she has sworn anywhere that they were there that night?

Answer. No, sir ; I know she has not ; because she was scared ; she never went anywhere.

Question. Did she speak of anybody else she knew?

Answer. No, sir ; not as I know of.

Question. How many did she say were there?

Answer. I never heard her say ; but a good crowd of them, a big crowd.

Question. Did she say she did not know any more of them than these five you have mentioned?

Answer. That is all I heard her call the names of that she was pretty certain.

Question. Did she say she knew any of the others?

Answer. No, sir ; she didn't say she knew any of the others.

Question. Did she say those were all that she knew?

Answer. No; she didn't say that was all; that was all the names I heard her make the remark about.

Question. She said positively that Smith was the man who was struck?

Answer. She was satisfied of Dr. Smith.

Question. That he was the man who was struck?

Answer. Yes, sir; she thought it all the time; and then, after he was missed from home and came home wounded, she was satisfied.

Question. What did Dr. Smith have on—a disguise?

Answer. She said he had something over his face with red eyebrows, I think, and a red nose, and a mouth, and some of the women spoke then, and said they were faces; she said I never saw none of the faces before.

Question. Her son was there too?

Answer. Yes, sir; he was in the house when they started; somehow, when they were fighting at his father, he got out, and I think when he got out by her, some two or three shot at him.

Question. Did you talk to Tiller Reese?

Answer. Yes, sir; I have talked to him. I saw him yesterday evening, and I was talking to him.

Question. Did he say he knew any of the people?

Answer. No, sir; he didn't say for certain he knew any of them.

Question. What did he say?

Answer. I have got his belief about it, and he has got his belief, that it was Dr. Smith, and Mr. Oakley, and Mr. Beaman; just the same ones his mother has; he believes that strong.

Question. Did he tell you yesterday evening he believed these men were there?

Answer. Yes, sir; he was frightened, and got out as quick as he could, out of the house, and he didn't see the half his mother saw, because she staid in the house.

Question. He is very positive about Dr. Smith, though?

Answer. Yes, sir; they all hang on him; and Dr. Smith is expicioned by right smart of the white people; expicioned because he has been doing the doctoring for Mr. Lipscomb, and he has quit him since. Dr. Smith has not been to Mr. Lipscomb's since that thing occurred.

Question. Do you know that he suspects him?

Answer. I think so, mighty strong, because he and Mr. Lipscomb were great old cronies before that. He would go to his house and they would talk, and he would always send for him as a doctor; he has never had him on the place since that time.

Question. Did you ever hear Mr. Lipscomb say why he did not have him there?

Answer. No, sir. I never heard Mr. Lipscomb say that myself, but I heard Harriet, the house servant—I heard her say so; she staid about the house. She said, "I heard Massa Joe say he would never have any more use for Dr. Smith."

By the CHAIRMAN:

Question. Are the colored people in that part of the county afraid of the Ku-Klux?

Answer. Yes, sir; they are.

Question. Do you know of any of them staying out in the woods at night for fear of the Ku-Klux?

Answer. No, sir; I don't know none that stays out in the woods on account of the Ku-Klux.

Question. Do you know of any having left that part of the country for fear of the Ku-Klux?

Answer. No, sir; I don't believe I know any that has left on account of that, except what has come back; in the time old man Robin was killed, a good many left; I left myself, and some three or four more around the settlement.

Question. What did you leave for?

Answer. Before they killed him Mr. Oakley tried to whip me, at Jefferson, one night, and I was afraid, after they killed him, that they would come to my house.

Question. You say others left for the same reason you did?

Answer. Yes, sir; men right on our plantation would have left, but Mr. Lipscomb kept after them and got them to stay.

Question. Where colored men have been mistreated, are they afraid to go and make complaint before an officer of the law, for fear they will be Ku-Kluxed?

Answer. Yes, sir.

Question. Is that a very general fear among the colored people?

Answer. Yes, sir.

Question. Then, if they suspect or know of the names of persons who have injured them, are they afraid to go and testify as to those names?

Answer. Yes, sir; they are afraid to go and report the men that bother them; in Mr. Oakley's life-time, and Mr. Beaman's, if I had come here and reported Mr. Oakley the next day after he bothered me, he would have shot me the first chance he got at me, or he would have beat me nearly to death; and that was the reason so much was car-

ried on around there in Jefferson; he would beat the folks, and knock them about, and nobody would report him.

Question. Have you heard it said that where the Ku-Klux abused people they told them if they reported it they would come back and kill them?

Answer. No, sir; I never heard that. I have heard the people say if they did report them they would kill them, but I never heard them say so; it was the people they bothered; and I was afraid to do it on that account.

Question. Do you think that fear is shared by the colored people generally?

Answer. Yes, sir; they all feel that way; but the thing is getting pretty much quieted down in that part of the country now.

Question. You think these two men were the ringleaders of these acts of violence?

Answer. Yes, sir; the ringleaders; always the very head men.

Question. Were they supposed to be Ku-Klux?

Answer. Yes, sir; these two were called the captains.

Question. Captains of the Ku-Klux?

Answer. Yes, sir; they were called that among the people which they had been bothering. After Mr. Beaman's death there was a change, because Mr. Oakley couldn't get no men to run with him, and there was a change after his death.

DEMOPOLIS, ALABAMA, October 26, 1871.

SHEPERD FENDERSON (colored) sworn and examined.

The CHAIRMAN. This witness is called by the minority and will be examined by General Blair.

By Mr. BLAIR:

Question. Where do you live?

Answer. Three and a half miles from Jefferson, in this county.

Question. What do you do?

Answer. I farm, sir.

Question. How long have you lived there?

Answer. I have been living at this place two years.

Question. Sheperd, do you know anything in regard to the killing of a man named Robin Westbrook?

Answer. He was living in three and a half miles of me, where he was killed, at Jefferson. So far as knowing who killed him, personally, I cannot say, but he was shot there at a place of Mr. Nat. Norwood's.

Question. You were there soon afterward?

Answer. No, sir; I were not.

Question. Did you know Robin?

Answer. I did.

Question. What sort of a man was he?

Answer. He was a very talkative man, but very little harm in him, so far as I know.

Question. Quarrelsome?

Answer. No, sir; not quarrelsome. He lived close beside me, at Mr. Kelly's place. He worked there after being in jail at Linden, and cleared at the trial. Dr. Smith had him put in jail. After that, he went to live with Mr. Kelly, who wanted him to work there, for fear of an accident—some of them might trouble him. He went up to where his wife cooked for Mr. Norwood, only a day and a half before he was killed. He expected to move away the next morning to Mr. Calvin Dyer's place.

Question. Did you talk with his wife after his death?

Answer. I talked a little with her.

Question. Did she say who killed him?

Answer. She had an idea who killed him; but she said to me she feared to say who it was. She seemed to know, but was afraid to say.

Question. She did not tell you, then?

Answer. No, sir.

Question. Did she tell you any cause that was likely to have led to it?

Answer. She did not.

Question. Did she intimate any dispute he had had with any one?

Answer. None at all, sir. Yes, he had one with this man Crudip; he had a little dispute with him. In his drinking way, Mr. Crudip was very annoying when he got to drinking—catching and pulling you about when he was drunk. Outside of that, I heard of none.

Question. Did she attribute his killing to his political sentiments; that any one killed him on that account?

Answer. No, sir; she wouldn't come out right plain and say to me, there at the

church, right plain, after the burial of him; but she said, "I knew who they were, for he had a dog-iron, and he made a mark upon one I know." I asked which one. She said, "I dare not say. If I did, I could not stay until to-morrow morning."

Question. She did not, then, intimate to you who the parties were that she suspected?

Answer. No, sir.

Question. Did you hear of her telling any one else?

Answer. I did not.

Question. Never whilst she was there?

Answer. No, sir.

Question. You say you were present in the church at that time when she was talking in the churchyard?

Answer. Yes, sir.

Question. Did two white men ride up in the yard at that time?

Answer. I believe they did—they did, sir.

Question. Who were they?

Answer. Let me see who they were. There was always four or five or six cruising around the church.

Question. Was Mr. Oakley one?

Answer. Yes, sir; he was one.

By the CHAIRMAN:

Question. Was Beaman?

Answer. No, sir; Mr. Beaman was not there.

By Mr. BLAIR:

Question. Watt Bradley one of them?

Answer. No, sir. Bill Wade White came up with them.

Question. Were you standing by her side when they came up?

Answer. No, sir; I turned off.

Question. Did you hear her say these two men were two of the scoundrels "that killed my husband?"

Answer. I did not hear her say that, but I understood she did say so.

Question. You understood she had said so?

Answer. Yes, sir.

Question. Who to?

Answer. Sam Hildreth was telling me he heard a conversation pass in which she made the expression.

Question. Did she then go on to Hildreth and indicate other persons?

Answer. Not that I know.

Question. Did she say that Dr. Smith was one of the persons?

Answer. I heard that she said Dr. Smith was one of the parties, but not to me.

Question. You heard of her saying it?

Answer. Yes, sir; I did.

Question. Did she say that Dr. Smith was the one her husband struck?

Answer. No, sir. I understood she said John Beaman was the one her husband struck. She didn't tell me so.

Question. Did she say it injured Beaman very much?

Answer. She said whichever one it was was seriously injured.

Question. For what reason—did she suspect Beaman was wounded about that time?

Answer. Yes, sir; about that time. He claimed the right of going and taking some lager beer, and he got perfectly deranged from that time to the time he died; and one of his friends went to see him, a colored man; his father remarked to him—I started to see him myself—I had heard a good deal of talk—and before I got there I met the colored man David, saying his father would not admit his friends to go in and see him, and I turned back.

Question. It was reported that it was lager beer that deranged him?

Answer. Yes, sir; and from lager, it was so said, that he died of the yellow disease.

Question. That is the disease—that affects the urine?

Answer. Yes, sir.

Question. Discolors the urine, and makes it very red and yellow?

Answer. Yes, sir. I asked Mr. Bradley about it. He said he died of the yellow disease. I said, do you know that Mr. Bradley sent to my house the day Rob was killed, on that night very sick, unable to ride horseback, but could ride in a buggy, and I sent word my buggy was engaged, and he sent to a neighbor of mine for his buggy, and was carried to Jefferson that evening in this buggy, and the buggy came back again, and the next morning he was well enough to ride home; whether the atmosphere improved his health that much, I do not know.

Question. Who was that—Beaman?

Answer. No, sir; Bradley. He was able to ride back next morning horseback, and was unable to ride that evening half an hour by sun.

Question. Did you see Bradley?

Answer. Yes, sir; when he came back he did not look to me like a man that had been very sick, so he could not ride horseback.

Question. Where was he brought from?

Answer. He was carried from a plantation that I now live on. I live on the west quarter of the plantation, and he about a mile from me; and when he came out from the place he lived to go to Jefferson, he came out by my house.

Question. You think, then, that Bradley did not want the buggy for his own use?

Answer. He wanted it for his own use, but he was somewhat suspicious of this scrape, and he claimed the right of being sick, and to go out in the buggy; and the next morning he came back horseback; he sent a boy all around, to two or three different places, to get a buggy.

By the CHAIRMAN:

Question. Was that night that he went to Jefferson the night Westbrook was killed?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Did Bradley have any marks on him?

Answer. None that I could see.

Question. Any marks of any injury inflicted?

Answer. None at all.

Question. She then expressed the opinion that Beaman got wounded that night?

Answer. Yes, sir.

Question. Did you ever hear her say that?

Answer. I did not hear her say that individually, myself. I heard others in the neighborhood, generally, say that was the death of Mr. Beaman.

Question. That was the opinion?

Answer. That was the general opinion.

Question. Now, she was here yesterday and testified that her husband struck Sid Lipscomb; that he was all covered with blood, which streamed down his face and his bosom, and that she identified him and knew it was Sid Lipscomb.

Answer. If she believed that, her opinion was different. She at that time believed it was Mr. Beaman. There was about eight or nine of them, probably there might have been ten, from her expression, that I thought were there; but in the fright, I do not know that she could say safely who it was.

Question. She did not mention Mr. Beaman's name as having been there. She mentioned several names, and his name was not mentioned; but she declared, upon her oath, she identified Sid Lipscomb as the man struck and carried out of the house.

Answer. Well, shortly after that, I heard that he was quite sick. A day after that I heard he was quite sick.

Question. Did you see him?

Answer. I never saw him at all. I did not go to see him at all. I heard he was sick, and it was so; that all the people thought he was injured in that skirmish. I asked Mr. Hagood, who lived close by him, what was the matter with him. He said he was quite sick. He says they did not intend to kill old Robin. "What did they intend to do, then?" I asked. He said, "They just intended to make a raid on him, to make him submit, and do as he ought to do. I do not think they intended to kill him." I says, "They missed it a good ways then, for they did kill him."

Question. Mr. Hagood assumed, then, that Sid Lipscomb was one of the party?

Answer. He did not say that; he only said Sid Lipscomb was quite sick, and he did not think— I said, "Who killed old Robin?"

Question. He did not connect it the way you first spoke it. You interpolated the question, "Who killed old Robin?" and it was in response to that?

Answer. Yes, sir. He told me Sid Lipscomb was quite sick. Says I, "Who killed old Robin?" He says, "I don't know." Says I, "Somebody did." Says he, "He is a terrible old rascal," and, "They did not intend to kill him, I don't suppose." They intended to make a raid on him, and, he being so vicious, I expect caused them to kill him.

Question. Did you understand him to intimate that Lipscomb was one of the parties?

Answer. No, sir, I did not, more than I asked him how he was, and he said he was quite sick.

Question. He is a neighbor?

Answer. Yes, sir; a close neighbor of his.

Question. You did not infer from his remark that he intended to implicate Lipscomb in the affair, did you?

Answer. No, sir; not at all.

Question. He said that old Robin was a terrible old rascal, and vicious?

Answer. Yes, sir; "a vicious old fellow," and, "They might have expected his death almost any time."

Question. Was he vicious?

Answer. I did not consider him so. He was a good old Baptist, as I thought, and they had wronged him a good deal out of his labor, and he would not work where he did not want to work, and where they did him injustice.

Question. What did he mean to say that he was an old rascal for?

Answer. He said he was sassy and vicious.

Question. Did you ever hear anything of that sort about him?

Answer. No, sir; none at all.

Question. What was the general idea in the community as to the cause of his death?

Answer. The people generally think the cause of his death was the beating of Dr. Smith in the lawsuit. Dr. Smith put him in jail, and Dr. Smith had the costs to pay; that was the general opinion. And after that—after Rob was killed—they said Rob had threatened to burn Dr. Smith's house, but I never heard Rob say that.

Question. Who did you hear it from, that he had threatened to burn Dr. Smith's house?

Answer. Mr. Hagood told me he understood that he threatened to burn it.

Question. Did anybody suppose that Dr. Smith was in that crowd that killed him?

Answer. I do not know as I have a right to say, but it was the opinion. Now, this man Aleck, that worked down at Mr. Allen's, he was there at Jefferson. Aleck is now at Linden. He said Dr. Smith killed him, and Dr. Smith and Jud Oakley made him go away from Jefferson under the influence of the conversation he had had.

Question. Because he said he believed Smith had killed him?

Answer. Yes, sir.

Question. Smith was irritated at that?

Answer. Yes, sir; and told him he had not only to go away from there, but to go out of the county. I saw him Monday at Linden. I was there before the jury.

Question. Did he tell you that then?

Answer. Yes, sir; I asked him the cause of his going away. He said Dr. Smith said he had been talking about him, and Dr. Smith said he should have said he was the cause of the death of old Rob, and he had to get away from there. He said it was an unjust charge he had against him.

Question. What did he mean by saying it was an unjust charge?

Answer. It was an unjust charge that Dr. Smith had against him.

Question. That he never had said so?

Answer. That he never had said so.

Question. But it had been attributed to him by others?

Answer. Yes, sir.

Question. You infer from that that he did not make the charge against Smith?

Answer. No, sir; he did not make it.

Question. Did he say he believed it?

Answer. Dr. Smith and Jud Oakley claimed to believe it.

Question. But, in your conversation with Aleck, he said it was an unjust charge?

Answer. Yes, sir.

Question. That he never had asserted that Smith did it?

Answer. That is so.

Question. Did he say he believed it?

Answer. He said he had his belief, but he did not explain it to me.

Question. But he never had said so?

Answer. That he never had said so. I came on Monday from court, and met Ben Besteeter right at his bars, and he then showed me where the party was standing that they said shot at Dr. Smith. They either must have shot down in the ground or shot in the air. They could not have been that close and not have hit him or his horse.

Question. Did you infer from that there was no shooting at all?

Answer. Well, sir, there must not have been any shooting.

Question. That is your opinion?

Answer. That is my opinion, gentlemen, honestly; the first gun that was fired was not farther than from here to that window, (five feet;) he must have shot right up or right down, or he must have hit him or the horse.

Question. You think it was mighty bad shooting?

Answer. Yes, sir; mighty bad shooting if it had been midnight.

Question. It is stated that the men admitted the shooting?

Answer. O, under the circumstances under which they labored, I am not at all surprised that they admitted the shooting; if you were going to whip me severely, I do not know what sort of a tale I would tell; I reckon I would be as apt to tell you a story as the truth, to clear myself of the punishment.

Question. Were they whipped?

Answer. Certainly.

Question. Who whipped them?

Answer. They said this man, Dr. Gillespie, or Judge Gillespie, or some such man, did a portion of the whipping, but I did not see, and a boy belonging to the estate of Mrs. Hildreth came out badly bruised; this man knocked him by the side of the head, badly

bruised. Judge Gellispie punished the fellow right smart, and Mr. George Whitefield was there, and he said, "Just quit knocking that boy about, for he is innocent and ignorant; that boy knows nothing about it." The fellow was absolutely so scared he says they asked him who shot the first gun; he says, "I did, I shot the first gun." He was excited and ignorant, and acknowledged he shot the first gun, and he was nowhere there; they have a witness that he was at home; they kept him there some two or three days, and knocked him about, and these other boys saw how they punished Richard Lewis, and they made an acknowledgment that they were in it.

Question. It is your belief that there was no shooting at all?

Answer. As close as that was, there was no shooting, there could not have been. Gentlemen, if either of you go there and let that man place you where the shooting was done, as large a horse as Dr. Smith had, it must have hit the horse or man—one.

Question. Dr. Smith went to a neighbor, close by?

Answer. He went to Ben Besteeter's house—he was there.

Question. He did not go back there?

Answer. No, sir; he went to Mr. Bradley's house—a neighbor.

Question. Did Mr. Bradley hear the firing?

Answer. I never heard by him—he has gone to North Alabama.

Question. Did Ben hear the firing?

Answer. Ben didn't say.

Question. Ben said he believed that those men were going to punish him?

Answer. Well, he was excited. I do not know that he knew properly. I think if the thing was well searched right, it would be found out that may be some of them were going to punish him. He kept the church locked up one night because he was a Methodist, and the Baptists wanted to preach there—it may be they wanted to get at him, but if they had they would have hit.

Question. Did you have the position pointed out to you by Dr. Smith?

Answer. No, sir; by Ben. He showed me where it was Monday evening.

Question. Might not Smith have been farther than Ben indicated to you?

Answer. No, sir; he said his son was pulling the bars down when they shot; it seemed to me they must have hit him; I did not question him any further. I said they could not have missed him unless they shot up or down.

Question. Did Ben's boy say there was any shooting?

Answer. I did not see him.

Question. Certainly the boy would have told his father whether there was or not?

Answer. Ben says to me, "Here's where they say they shot Dr. Smith; there's where the first one shot, and the other here, and the other there, and two along here." I says, "I don't want to hear, for I cannot prove it; if you were called on I cannot tell anything about it, more than I heard you say."

Question. Did Ben express any doubt that the shooting was done?

Answer. No, sir; not with the voice, but he laughed as if there was a little doubt whether there was any shooting done.

Question. Any attempt to kill him?

Answer. No attempt to kill him.

Question. But he did not dispute that there was shooting?

Answer. No, sir.

Question. Do you think there was no firing?

Answer. I do not think there was any firing at all; if they were they must have shot right up or down; the powder must have burned the horse that close, because here is the bar-post, and there was the first gun in that corner, and there he was going right to the bars—draw-bars—the powder would have burned the horse.

Question. As Ben's boy was there?

Answer. He was there pulling the bars down.

Question. Then he is perfectly competent to prove whether there was any firing at all?

Answer. Yes, sir.

Question. Have you had any conversation with the boy?

Answer. No, sir.

Question. You only predicate your opinion upon this, that if they had an intention to kill they could not have fired without killing him?

Answer. They could not in that distance, even if it had been bird-shot; they must have hit him.

Question. And must have killed him if they had intended to kill him?

Answer. Yes, sir.

Question. You have not asked Ben, or his boy, whether there was any firing done?

Answer. No, sir, I didn't ask them; only he said, "Here's where they said they shot at Dr. Smith, and here's where the first man was standing, that place in this corner." Well, says I, "Ben, the powder would have burned the horse." "Yes," he says, "without they shot right up or down."

Question. Did he say his boy communicated to him where the firing took place; that here the first gun was fired, &c?

Answer. Yes, sir; he said there was the first fired, but he did not say whether his son told him so or not.

Question. Did you infer that his son told him?

Answer. I judge his son told him, because he was at the house, and the boy came to pull down the bars for Dr. Smith.

Question. You did not understand him to dispute that there was firing?

Answer. No, sir.

Question. But simply concurred with you in the opinion that if there had been firing it was not intended to kill?

Answer. Not intended to kill, for he said, "You know the distance, Sheperd Fender-son, that powder must have burned the horse."

Question. Do you infer from what took place between you and Ben, that his son had pointed out the exact locality for it?

Answer. Yes, sir; he must have pointed it out to him, because he was at the house with a sick child, and sent his son to open the bars for Dr. Smith.

Question. He did not pretend that Dr. Smith had given him an account of it?

Answer. No, sir.

Question. Dr. Smith did not go back to his house?

Answer. No, sir; he went to Bradley's.

Question. He did not see Dr. Smith?

Answer. No, sir.

Question. Therefore if he knew where this firing was done, it must have come from the boy who was there on the ground?

Answer. Yes, sir.

Question. It is evident then, is it not, that there must have been firing?

Answer. Apparently there must have been, sir, from what has been said, but as close as they were I say again—

Question. But that close it was intended to kill?

Answer. Not to do any injury at all.

Question. But it was very well calculated to alarm a man at that time of night, firing a gun that close to him?

Answer. Yes, sir.

Question. A man might well be excusable for taking the alarm under such circumstances?

Answer. Yes, sir; if he was not hurt.

Question. It is not pretended that he was hurt, I believe, but it was a circumstance very well calculated to alarm him?

Answer. Yes, sir.

Question. Firing off guns right under his nose in that way?

Answer. Yes, sir.

Question. Was this man Robin a turbulent man?

Answer. He was not very vicious as I thought, sir; he got into a little difficulty, I think, about a year ago, up here in the cane-brake. I think it was about robbing some man's corn-field. He went off to Mobile and staid awhile, and during his time down at Mobile I saw him. I told him I thought he was a more quiet man than that. I don't know whether this was proved against him. Yes it was, too, and Jack Finch was deputized to take him to court, and whilst Jack was turned around, looking at some gentlemen that was talking to him, Robin went on, and he couldn't overtake him, and had got into a little difficulty that he could not produce him in court, and went off to Mobile, and he came back and worked about the neighborhood, and finally worked for Dr. Smith, and some difficulty occurred between them and Dr. Smith put him in jail, and, through the law I believe, Rob. got the best end of it, and then you see the difficulty arose at the points that he suffered under. If he had abided under the consequences which Mr. Kelley asked him to do, to stay at his place, he would no doubt have been living now.

Question. He was at Mr. Norwood's place?

Answer. Yes, sir, at Jefferson.

Question. Did you know Westbrook's wife's son, Tiller Reese?

Answer. Yes, sir.

Question. He was in the house at the same time?

Answer. Yes, sir.

Question. Did you have any conversation with him?

Answer. I never had any conversation with him; when I went to have a conversation with him I met him and the deputy sheriff in conversation, and passed on by and did not talk with him.

Question. There was an inquest held?

Answer. Yes, sir.

Question. And both the wife and her son were examined?

Answer. I don't know; I didn't go to it; I understood the inquest was held.

Question. Neither of them identified any one at that inquest?

Answer. No, sir.

Question. Have you understood, or do you know, that Tiller Reese identified certain parties?

Answer. I do not; I have not so understood.

By the CHAIRMAN:

Question. You have stated that Dr. Smith had caused Westbrook, who was afterward killed, to be put in jail. On what charge was he committed to jail?

Answer. He was committed to jail, as well as my memory serves me, for not having done work enough to pay for the advance he had made him.

Question. It was a civil action, then, not a criminal prosecution?

Answer. Yes, sir.

Question. How long was Westbrook kept in jail?

Answer. He was there about a month.

Question. And when the trial came on Dr. Smith was defeated?

Answer. Yes, sir; he was defeated.

Question. And shown to be in the wrong?

Answer. Yes, sir.

Question. Is it supposed that Dr. Smith harbored a grudge against Westbrook for this defeat?

Answer. That was suspected by the neighborhood in general talk.

Question. What were Dr. Smith's habits as to drinking?

Answer. At times he would drink a right smart extent, clean out of the way, unable to attend to his duties.

Question. How would liquor affect him when under its influence, so as to making him excited and violent?

Answer. He would act strange in the way of talk; no satisfactory way was to be found in him at that time.

Question. Is it believed among the colored people about Jefferson that Dr. Smith had a hand in this raid upon Westbrook the night that he was killed?

Answer. It is so thought, sir, by a good many. Gentlemen, before you ask me any further let me explain a subject to you. I hope it will not be any disadvantage to you nor me either.

By Mr. BLAIR:

Question. You have a right to explain yourself.

Answer. About midnight that night—I (I am living in the fork of the road)—about midnight that night a horse passed my house on a sweeping gallop, going down toward Dr. Smith's place, and that afternoon, or the same day in the afternoon, Dr. Smith came on back himself, and I knew for a fact that he did not pass there that day; that he must have went through the woods if he went to his plantation. I know I heard the horse that night, about midnight, going down there in a gallop, toward his plantation. The next evening he came on over toward his plantation, going toward the plantation.

By the CHAIRMAN:

Question. Dr. Smith did?

Answer. Yes, sir; after the death of Rob. Westbrook.

Question. Was it before or after Westbrook's death that Dr. Smith says that he was fired upon by a body of men in the night-time?

Answer. Afterward; after the death of Westbrook.

Question. Was it after he had knocked down a boy up at Williams's store, in Jefferson?

Answer. Yes, sir.

Question. How long after that?

Answer. Let me see; I believe I am correct. No, sir; he knocked him down before Rob. was killed. That was this Jim Rockford, and Oakley, I think, knocked Griffin's teeth out at the same time; two boys.

Question. Did Dr. Smith hurt the boy badly that he knocked down?

Answer. Yes, sir; he hurt him very bad. He killed him for a while. They poured water on him, and he come to.

Question. Was Dr. Smith in liquor at the time?

Answer. He was more or less. He is more or less drinking frequently—all the time.

Question. Was he a friend of Oakley and Beaman?

Answer. Yes, sir.

Question. Were they frequently together?

Answer. Frequently together.

Question. What did Oakley follow for a living?

Answer. He was down at Griffin's Landing, attending to that; but most of the time he was at Jefferson. His father lives near Jefferson. He visited his mother, but not his father.

Question. What was Beaman's chief business?

Answer. Farming.

Question. Was he a young man?

Answer. Yes, sir.

Question. Were those two young men dissipated?

Answer. Yes, sir.

By Mr. BLAIR :

Question. Who was that visited his mother and not his father?

Answer. Oakley. Somehow he did not like his father.

By the CHAIRMAN :

Question. When were these colored men who are now in jail taken up for this assault upon Dr. Smith—how long after Smith claims that he was fired upon?

Answer. As well as my memory serves me, I think it was about two weeks.

Question. Who caused them to be arrested?

Answer. Dr. Smith, I suppose, sir.

Question. Did he get out a warrant against them?

Answer. I do not know whether he did or not, sir. My friend Nat. Williams went up there, and they did not allow him to go inside the lines. He could not learn nothing, and therefore he came back; and I concluded it was not worth while for me to go up there.

Question. How many were said to be concerned in arresting these colored men?

Answer. There were two, to my certain knowledge.

Question. Who were they?

Answer. One of them is this fellow Reuben's son; his name is Henderson Lee. The other is Wiley Blackman's son, Jake Blackman.

Question. Was an examination had before a justice of the peace of these colored boys?

Answer. I presume so. I was not there. Squire Smith was there; they were at his house principally.

Question. You understood there was an examination?

Answer. I understood that there was.

Question. When was it that Lewis was whipped—was it after that examination, on the way to jail?

Answer. He was whipped before the examination was, they told me.

Question. Did you understand who whipped him?

Answer. I understood that Dr. Gillespie or Judge Gillespie—whatever you pronounce his name to be—whipped him.

Question. What was he—a judge of what court?

Answer. I don't know. He was a sort of music-teacher about; and I suppose he took the part of the people of Jefferson, and thought he was doing right.

Question. Was Lewis whipped in Jefferson?

Answer. Yes, sir.

Question. Was there a crowd there?

Answer. Yes, sir; I understood so. But they allowed no colored persons in the ring.

Question. How large a crowd?

Answer. They said the crowd was a good many white persons, but no colored persons.

Question. Was he whipped in the presence of the other colored men who were arrested with him?

Answer. I presume he was; I cannot say as to that.

Question. Did you understand that he was made to confess—to give up the names of those who fired upon Doctor Smith?

Answer. Yes, sir.

Question. That he gave the names of those who are now in jail?

Answer. Yes, sir.

Question. Were they the same persons who were already under arrest?

Answer. They were already under arrest.

Question. Did he give the names of any other persons except those who were under arrest?

Answer. These two parties who were witnesses against him were parties that belonged to the same company—so said to be—and they were unable to meet; one of them had a chill and the other got frightened and run, he said, and did not shoot at all.

Question. What is the general belief down there—that Lewis told the truth, or that he gave up these names just for the purpose of saving himself from being whipped further?

Answer. For the purpose of just saving himself from being whipped; that was the general opinion.

Question. You say the general opinion is that those boys, now committed to jail, were innocent of any attempt to fire upon him?

Answer. Yes, sir; that they are innocent of any attempt.

Question. You say it is also the general belief that if there was any firing at all, it was just to alarm Dr. Smith?

Answer. That is the general opinion.

Question. Having examined the ground yourself, you are of opinion that they could not have missed, either him or his horse, if they had intended to fire upon him?

Answer. They could not have missed him, even if they had turned their backs upon him, and turned the gun around that way, at the distance they were.

Question. After the night that Westbrook was killed, was Beaman ever seen abroad again in the streets of Jefferson?

Answer. No, sir.

Question. Do I understand you to say that people were not allowed to go in and see him?

Answer. I did say it, sir.

Question. How long did he live after that night?

Answer. I think it was about two weeks; my memory may not serve me right, but I think it was about two weeks. I know the second week after this thing happened I started to go up there, hearing the neighborhood saying that this thing was said to be by Beaman; I being personally acquainted with him, I thought to go and see him. I met David Kelly near his house, and he said it was not worth while, for he saw his father, and he would not let his friends see him, because it always excited him.

Question. You say it was given out by his father that he died with the yellow disease?

Answer. Yes, sir; and Mr. Watt Bradley told me so too, that he died of the yellow disease.

Question. Was he exposed, so that his friends could see him, after he was dead?

Answer. No, sir.

Question. You say this man Bradley also gave it out that Beaman died with the yellow disease?

Answer. Yes, sir, I said, and he helped to dress him.

Question. Who is he?

Answer. He is sort of a teller for George Whitfield, near Jefferson; he attends to his business.

Question. A young man?

Answer. Yes, sir.

Question. What is his character?

Answer. Well, he is a drinking man.

Question. You have spoken of the circumstances of his being carried up, pretending to be sick, to Jefferson, and coming back the next day on horseback, after the death of Westbrook.

Answer. Yes, sir; he sent to my house, about 1 o'clock that day, after my buggy, and I told him it was loaned out; and he then goes to John Finch, if he could borrow his buggy, and he said, "No;" and he then goes down to Aleck Hildreth's and gets his buggy; and about three-quarters of an hour by sun he came out by my house and went on to Jefferson; and that night the buggy came back, and next morning it came to Aleck, and next morning he came home on horseback.

Question. Is it the general belief that Bradley was in that crowd that killed Westbrook?

Answer. That is the general opinion; it is spoken of in that way.

Question. You say you heard Mr. Lipscomb was quite sick after Westbrook was killed?

Answer. About two days afterward, before I heard it that he was quite sick; Mr. Hagood told me so.

Question. How long was he confined to his house?

Answer. I don't know how long, whether it was over a week or not. It was not under a week, I know; it might have been over a week. I know he was considered quite sick.

Question. Of what was he reported to be sick?

Answer. I never learned.

Question. Did public opinion connect him with that same crowd?

Answer. It first fired up in that way, but quieted down, and I never heard anything more of it.

Question. Was Westbrook reputed to have money on hand?

Answer. I reckon not, sir; O, no, he did not have money on hand, I should not suppose.

Question. Was he a blacksmith?

Answer. No, sir; just a farmer. He had no money on hand, because he had not been long out of jail, and he had been working then with Mr. Kelly on his place. I think he took him out a week or such a matter before his trial came on. He worked with him until his trial come off, and then he started to go and make a living for his family.

Question. You spoke of Westbrook having been robbed of his labor by certain persons, and that there was a grudge against him, because he would not work for them?

Answer. Yes, sir; that was in this way: he would work for a man, whether he got

paid for it or not. He spoke of it in this way: that he worked for such a man the year round, and he did not pay him; they would bring him a little in debt, and thought he ought to stay and work it out; he would think his labor was worth what he ate, and he would quit work and go to work somewhere else.

Question. Is that a common complaint of the colored men that they are wronged by their employers?

Answer. They are mighty apt to quit.

Question. Is it your opinion, from your knowledge of that people, whether they are generally fairly dealt with by their employers?

Answer. The most of them is dealt with fairly. I was myself, individually, wronged, but it was not, I suppose, intentional; may'be it may have been intentional, too. I divided work with W. J. Anderson, down at Griffin's Landing, for half the crop. He went half the expenses; he fell short, and I shipped a bill of cotton to Mobile, and after I left it, with the initials of my name, he put his name on it, and it was taken for mortgage on his debt, and he never made it good to me; but he says he would come to work for me for it, just the same as he would for a master in slavery; and under such circumstances I do not think I should bear down on him.

Question. When was Westbrook killed?

Answer. I think it was the 1st of June.

Question. When did Bradley go to North Carolina?

Answer. Old man Bradley went to North Alabama.

Question. This young man lives down there yet?

Answer. Yes, sir.

Question. You say there was a boy who was taken up and charged with being concerned in this shooting of Dr. Smith, and he confessed he had fired a gun at him?

Answer. Yes, sir.

Question. You considered he did it through fear, and it was proved afterward that he was at home at that very time, and he was discharged?

Answer. Yes, sir.

Question. So you think that the admissions which a man makes when he is under the influence of fear of being whipped, and being whipped to make confession, do not amount to much?

Answer. Yes, sir.

Question. You think it is not to be relied upon at all—a confession drawn out by whipping?

Answer. I do not think it should be relied upon under any circumstances whatever.

Question. Do you know whether this whipping of Richard Lewis was in Jefferson?

Answer. It was done somewhere in Jefferson. I do not know exactly the point.

Question. Was Dr. Smith at home at that time?

Answer. He was there during the whole inquest.

Question. Do you think he was present when Lewis was whipped?

Answer. He must have been, because it was under his orders, I suppose, that these boys were taken up.

Question. Was Gillespie a friend of Dr. Smith?

Answer. Yes, sir.

Question. Intimate together?

Answer. Very intimate there.

Question. So you think this whipping must have been done either at the instance or with the approbation of Dr. Smith?

Answer. I must think so.

Question. How long have these boys been in jail on that charge?

Answer. It was about the 8th or 9th of June they were put in there, or somewhere there. I don't know the exact time, but they have been in there some time.

Question. When colored people have been whipped, or otherwise maltreated by white men, are they afraid to go and make complaint and give up the names of their persecutors?

Answer. Yes, sir; for they will pay dearly for it. The case has happened in our country, sir.

Question. Is the reason of their fear the apprehension that they will be molested and ill-treated by those persons whose names they give up?

Answer. Yes, sir.

Question. And for that reason they abstain from going to courts, or making any complaint?

Answer. Yes, sir.

Question. Do you think it would be safe, as a general rule, for them to go and enter a complaint against the men they suspect of punishing them?

Answer. They would not be safe, sir.

Question. State if your people go to the polls and vote freely, or are they induced to stay away from an apprehension that harm will come to them of it?

Answer. They do not go there, a good many of them, for why? They say, "If you go

to the polls and vote, you can take your things along with you; you cannot come back on my place any more;" and rather than to lose my home, I will stay myself. I will not vote.

Question. If colored people were allowed to vote freely and without any apprehension of losing their places, how would they, as a general thing, vote?

Answer. The most of them would vote the republican ticket.